

# EXHIBIT 13

**In The Matter Of:**

***PROMEGA CORPORATION***

***v.***

***LIFE TECHNOLOGIES CORPORATION***

---

***SHEPHERD, MICHELLE, 30(B)(6) - Vol. 1***

***July 26, 2011***

---

***CONFIDENTIAL***  
***ATTORNEYS' EYES ONLY***

**MERRILL CORPORATION**

**LegalLink, Inc.**

20750 Ventura Boulevard  
Suite 205  
Woodland Hills, CA 91364  
Phone: 818.593.2300  
Fax: 818.593.2301

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

PROMEGA CORPORATION,	)	
	)	Case No.
Plaintiff,	)	10-CV-281
	)	Pages 1 to 180
MAX-PLANCK-GESELLSCHAFT ZUR	)	CONFIDENTIAL
FORDERUNG DER WISSENSCHAFTEN	)	ATTORNEY'S EYES
E.V.,	)	ONLY
Involuntary Plaintiff,	)	
	)	
v.	)	
LIFE TECHNOLOGIES CORPORATION,	)	
INVITROGEN IP HOLDINGS, INC.,	)	
and APPLIED BIOSYSTEMS, LLC,	)	
Defendants.	)	
	)	

30(B)(6) DEPOSITION OF MICHELLE SHEPHERD  
TAKEN ON  
TUESDAY, JULY 26, 2011

Reported by: PHILIP D. NORRIS  
CSR NO. 4980

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 2	Page 4
<p>1 30(b)(6) Deposition of Michelle Shepherd, 2 taken on behalf of Plaintiff, at 727 South Figueroa 3 Street, Los Angeles, California, on Tuesday, July 4 26, 2011, at 10:00 a.m., before Philip D. Norris, 5 CSR No. 4980, pursuant to Notice. 6 7 APPEARANCES: 8 FOR THE PLAINTIFF: 9 MEDLEN &amp; CARROLL 10 BY: PETER CARROLL, ESQ. 11 THOMAS HOWERTON, ESQ. 12 100 Grandview Road 13 Suite 403 14 Braintree, Massachusetts 02184 15 (781) 848-4020 16 17 FOR THE DEFENDANTS: 18 PARSONS BEHLE &amp; LATIMER 19 BY: KRISTINE EDDE JOHNSON, ESQ. 20 201 South Main Street 21 Suite 1800 22 Salt Lake City, Utah 84111 23 (801) 532-1234 24 25</p>	<p>1 I N D E X 2 3 WITNESS EXAMINATION PAGE 4 MICHELLE SHEPHERD (By Mr. Carroll) 6 5 (By Ms. Johnson) 177 6 7 E X H I B I T S 8 NO. PAGE DESCRIPTION 9 Exhibit 1 26 Notice of Deposition, 28 pages 10 Exhibit 2 52 E-mails, Bates numbers LIFE- 11 0002030 to 31 12 Exhibit 3 108 E-mails, Bates numbers LIFE- 13 0004557 to 559 14 Exhibit 4 113 Documents Bates numbers LIFE- 15 0004702 to 767 16 Exhibit 5 113 Documents Bates numbers LIFE- 17 0004563 to 695 18 19 20 21 22 23 24 25</p>
Page 3	Page 5
<p>1 APPEARANCES: 2 3 FOR LIFE TECHNOLOGIES: 4 AMY SUN, ESQ. 5 5781 Van Allen Way 6 Carlsbad, California 92008 7 (760) 474-6210 8 9 ALSO PRESENT: 10 FRITZ SPERBERG (Videographer) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>08:28:01 1 LOS ANGELES, CALIFORNIA; TUESDAY, JULY 26, 2011 09:13:25 2 10:00 A.M. 09:13:25 3 09:59:30 4 09:59:44 5 THE VIDEOGRAPHER: Good morning. This 10:00:03 6 marks the beginning of Volume I, Videotape No. 1, in 10:00:06 7 the deposition of Life Technologies Corporation, by 10:00:11 8 the 30(b)(6) witness, Michelle Shepherd, in the 10:00:15 9 matter entitled "Promega Corporation, et al., versus 10:00:19 10 Life Technologies Corporation, et al.," filed in the 10:00:22 11 Superior Court -- excuse me, in the United States 10:00:26 12 District Court for the Western District of 10:00:27 13 Wisconsin. This is Case No. 10-CV-281. Today's 10:00:32 14 date is July 26, 2011. Time on the video monitor is 10:00:35 15 ten o'clock. 10:00:36 16 The video operator today is Fritz Sperberg, 10:00:40 17 a notary public contracted by Merrill Legal 10:00:42 18 Solutions at 20750 Ventura Boulevard, Woodland 10:00:46 19 Hills, California. This video deposition is taking 10:00:50 20 place at 725 South Figueroa Street in Los Angeles, 10:00:54 21 and was noticed by Pete Carroll of Medlen &amp; Carroll. 10:00:57 22 Counsel, please identify yourselves and 10:00:59 23 state whom you represent. 10:01:00 24 MR. CARROLL: Pete Carroll and Tom Howerton 10:01:02 25 for Promega.</p>

2 (Pages 2 to 5)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 6			Page 8		
10:01:04	1	MS. JOHNSON: Kristine Johnson and Amy Sun	10:02:29	1	corporate name and all that. Did you start out at
10:01:06	2	for the defendants.	10:02:32	2	Applied Biosystems?
10:01:08	3	THE VIDEOGRAPHER: Our court reporter today	10:02:33	3	A. Actually it was Perkin-Elmer.
10:01:10	4	is Philip Norris of Merrill.	10:02:36	4	Q. Perkin-Elmer?
10:01:12	5	Would the reporter please swear in the	10:02:38	5	A. At the time.
10:01:14	6	witness.	10:02:38	6	Q. Okay. And where did you go from
	7		10:02:40	7	Perkin-Elmer in those 12 years?
	8	MICHELLE S. SHEPHERD	10:02:41	8	A. It's been the same -- I've been at the same
	9	having been first duly sworn, was	10:02:44	9	company, in the same division, but due to
	10	examined and testified as follows:	10:02:47	10	acquisitions and mergers our name has changed, so
	11		10:02:52	11	I'm not certain. But it was Perkin-Elmer to start
	12	EXAMINATION	10:02:54	12	with, then PE Biosystems, then Applied Biosystems.
10:01:26	13		10:03:01	13	And I believe we've been Applied Biosystems till a
10:01:26	14	BY MR. CARROLL:	10:03:04	14	couple years ago with the merger with Invitrogen to
10:01:26	15	Q. Good morning.	10:03:08	15	become Life Tech.
10:01:27	16	A. Good morning.	10:03:10	16	Q. Now, I notice when I go online that there's
10:01:28	17	Q. Heard you had a little tough time getting	10:03:14	17	still a Applied Biosystems website, and I notice in
10:01:30	18	here.	10:03:17	18	some of the documents I'm going to talk about today
10:01:31	19	A. It was an adventure.	10:03:19	19	there's still some discussion about Applied Bio.
10:01:32	20	Q. Have you been deposed before?	10:03:21	20	Can I use ABI, LTI or a combination of those two
10:01:34	21	A. I have.	10:03:27	21	both to mean both companies? In other words, if I
10:01:35	22	Q. Okay. I'll just go through the rules	10:03:30	22	say "LTI," I still mean ABI.
10:01:38	23	briefly just so you can feel comfortable.	10:03:33	23	Is that okay?
10:01:43	24	You can take a break when you want a break;	10:03:33	24	A. Yes.
10:01:45	25	just ask for it. We don't usually take breaks,	10:03:34	25	Q. Okay. You know what I mean. All right.
Page 7			Page 9		
10:01:48	1	though, you know, in the middle of a question; we	10:03:36	1	What's your title, your current title?
10:01:51	2	usually finish it and then do the break. If you	10:03:41	2	A. I'm the district manager for human
10:01:53	3	don't understand something that I'm asking, ask me	10:03:44	3	identification support.
10:01:55	4	to rephrase it or explain it, and I'll be happy to	10:03:45	4	Q. Okay. And as district manager, is there
10:01:57	5	do that; otherwise, I'm going to kind of presume	10:03:49	5	any development, market development aspect to that
10:01:59	6	that you're understanding the question.	10:03:53	6	job?
10:02:00	7	Is that okay?	10:03:54	7	A. No.
10:02:01	8	A. That's okay.	10:03:55	8	Q. Okay. It's more of a straight management
10:02:02	9	Q. All right. Great. Can you state your full	10:03:57	9	of -- of sales?
10:02:04	10	name?	10:03:59	10	A. Of support.
10:02:04	11	A. Michelle Slay Shepherd.	10:04:00	11	Q. Of support?
10:02:07	12	Q. Okay. And are you currently employed?	10:04:01	12	A. Yes.
10:02:08	13	A. I am.	10:04:01	13	Q. Okay. Not sales?
10:02:09	14	Q. And where is that?	10:04:02	14	A. Not sales.
10:02:10	15	A. By Life Technologies.	10:04:03	15	Q. Okay. Got it.
10:02:12	16	Q. Okay. Now, can I use today an abbreviation	10:04:05	16	And in terms of general duties and job
10:02:15	17	for that? LTI or Life Tech, if I use those	10:04:11	17	description -- maybe there's even a written job
10:02:18	18	abbreviations, will you understand that to be Life	10:04:14	18	description. I'll ask you that first: Is there a
10:02:21	19	Technologies?	10:04:16	19	written job description for you?
10:02:21	20	A. Yes.	10:04:18	20	A. I believe there is.
10:02:22	21	Q. Okay. And how many years have you been at	10:04:18	21	Q. Okay. You don't have to give me it
10:02:24	22	LTI?	10:04:20	22	verbatim, but can you give me a general description
10:02:24	23	A. Just over 12.	10:04:23	23	of what your job description is?
10:02:25	24	Q. Twelve. Okay.	10:04:25	24	A. Certainly. I manage a team of individuals
10:02:26	25	Now, I know there's been changes in the	10:04:27	25	that supports human identification labs in the

3 (Pages 6 to 9)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 10			Page 12		
10:04:30	1	United States, so we conduct trainings, we develop	10:06:33	1	hands-on work, then, in the lab?
10:04:33	2	that curriculum for those trainings, we present	10:06:36	2	A. Yes.
10:04:36	3	those trainings, and we respond to calls and e-mails	10:06:36	3	Q. Mostly forensics?
10:04:44	4	and inquiries of our group to conduct	10:06:38	4	A. Hundred percent forensics, yes.
10:04:46	5	troubleshooting.	10:06:39	5	Q. Okay. And just so we can get through that,
10:04:47	6	Q. Okay. That last part, the troubleshooting,	10:06:42	6	what would that entail? "Hundred percent
10:04:51	7	would that be done onsite at the customer or that be	10:06:46	7	forensics," what would that mean?
10:04:57	8	done in-house? Or does it just depend on the	10:06:48	8	A. In a -- as a forensic analyst, going to
10:05:01	9	circumstances?	10:06:53	9	crime scenes, documenting crime scenes, collecting
10:05:01	10	A. It depends on the circumstances.	10:06:58	10	materials at crime scenes, coming back to the
10:05:03	11	Q. Okay. Do you do troubleshooting yourself?	10:07:00	11	laboratory and conducting forensic investigations,
10:05:06	12	A. I do.	10:07:04	12	and then testifying to the results of that data.
10:05:06	13	Q. And that means you actually work with the	10:07:08	13	Q. And when you were in these laboratories
10:05:10	14	product?	10:07:12	14	before you came to Perkin-Elmer, did you have
10:05:11	15	A. Yes.	10:07:15	15	occasion to run STR tests?
10:05:11	16	Q. Oh, okay. Let me quickly do, then, just	10:07:19	16	A. I did.
10:05:15	17	your educational background so I can understand how	10:07:19	17	Q. Okay. And STR we know is short tandem
10:05:18	18	you can do that.	10:07:23	18	repeats?
10:05:19	19	Undergraduate degree?	10:07:23	19	A. Correct.
10:05:20	20	A. Bachelor of Science in laboratory	10:07:24	20	Q. But can I avoid saying that all day and
10:05:23	21	technology from Auburn University.	10:07:26	21	just say STR and we'll know what we mean?
10:05:26	22	Q. Okay. Any graduate work beyond that?	10:07:29	22	A. Yes.
10:05:29	23	A. Yes. Master's work towards a forensic	10:07:29	23	Q. Okay. So you ran STR kits at these
10:05:32	24	science degree from the University of Alabama at	10:07:34	24	forensic labs?
10:05:34	25	Birmingham.	10:07:34	25	A. Yes.
Page 11			Page 13		
10:05:35	1	Q. Explains how you can run the products.	10:07:35	1	Q. Okay. And how many years did you run
10:05:38	2	Any postgraduate training in labs,	10:07:37	2	those?
10:05:44	3	internships?	10:07:38	3	A. DNA was put online at GBI in '95, '96, so
10:05:45	4	A. Through the University of Virginia, through	10:07:46	4	until June of '99 when I left the state.
10:05:48	5	the Federal Bureau of Investigation laboratories in	10:07:50	5	Q. June of '99?
10:05:52	6	Quantico.	10:07:51	6	A. Yes.
10:05:52	7	Q. Okay. And how long ago was that training	10:07:51	7	Q. Okay. And did you go to Perkin-Elmer then?
10:05:57	8	at Quantico?	10:07:54	8	A. I did.
10:05:58	9	A. Quantico was 1990.	10:07:55	9	Q. Okay. And were you running commercial STR
10:06:01	10	Q. Okay. All right. Any laboratory training	10:07:59	10	kits after that '94 period on to '99?
10:06:04	11	since then?	10:08:03	11	A. Yes.
10:06:05	12	A. Yes.	10:08:03	12	Q. Were they from a particular vendor?
10:06:06	13	Q. Okay.	10:08:06	13	A. They were.
10:06:07	14	A. I -- I worked at the Alabama Department of	10:08:07	14	Q. And what vendor?
10:06:10	15	Forensic Sciences through my undergraduate and part	10:08:08	15	A. Applied Biosystems.
10:06:14	16	of my graduate pursuits.	10:08:10	16	Q. Okay. Were you working closely with
10:06:17	17	Q. Okay.	10:08:12	17	Applied Biosystems' people to get that DNA test
10:06:17	18	A. And then I worked for the Georgia Bureau of	10:08:17	18	online?
10:06:20	19	Investigation in the Division of Forensic Sciences	10:08:21	19	A. I was trained by a field applications
10:06:22	20	for 13 years.	10:08:25	20	specialist at the time, but the majority of my
10:06:24	21	Q. Thirteen years before you came --	10:08:28	21	training came from my experience with the FBI
10:06:26	22	A. -- came here.	10:08:32	22	laboratories and their training program, and then
10:06:27	23	Q. Okay.	10:08:35	23	on-the-job training program.
10:06:27	24	A. Yes. To do the math, I'm 47.	10:08:36	24	Q. Okay. And you said you'd been deposed
10:06:30	25	Q. Okay. So that's -- that's a lot of	10:08:38	25	before. Was that in the context of forensic work?

4 (Pages 10 to 13)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 14			Page 16		
10:08:41	1	A. It was not.	10:11:13	1	document?
10:08:42	2	Q. Oh, okay. What's the context of that?	10:11:14	2	A. The -- the FAS themselves.
10:08:44	3	A. My husband and I were sued civilly in a dog	10:11:17	3	Q. The field application specialist?
10:08:48	4	bite case.	10:11:19	4	A. Right. That's fielding the call.
10:08:49	5	Q. Nothing to do with science?	10:11:21	5	Q. Okay. And I'll use your term FAS, and
10:08:51	6	A. No.	10:11:23	6	we'll agree that's field application specialist?
10:08:51	7	Q. Okay. You mentioned your current title.	10:11:26	7	A. Correct.
10:08:54	8	Can you give me a general sense of the	10:11:27	8	Q. Okay. So they might take the call
10:08:57	9	management hierarchy above you? Who do you report	10:11:29	9	themselves?
10:09:00	10	to? How high up is that title?	10:11:30	10	A. Yes.
10:09:03	11	A. Certainly. I report to the United States	10:11:30	11	Q. And do they have a standard form that they
10:09:07	12	district manager for sales for applied markets. His	10:11:33	12	fill out?
10:09:11	13	name is Phil Pielage, P-i-e-l-a-g-e. Phil reports	10:11:33	13	A. We have a database that we enter all
10:09:17	14	to Gerald Andros, who is the director of applied	10:11:38	14	critical customer interactions into.
10:09:23	15	markets for Life Technologies.	10:11:41	15	Q. Okay. And do you have access to that
10:09:25	16	Q. Okay. And I've seen that term applied	10:11:44	16	database?
10:09:28	17	markets. Can you help me understand what that	10:11:44	17	A. I do.
10:09:31	18	means? What is an applied market?	10:11:45	18	Q. Does the field application specialist, once
10:09:32	19	A. Sure. An applied market is one that is	10:11:48	19	they've entered their data, have access to that?
10:09:36	20	rigorous to follow protocols and be mindful of the	10:11:51	20	A. Yes.
10:09:43	21	results of those protocols and their potential	10:11:52	21	Q. Okay. And you're pretty familiar with it?
10:09:46	22	impact.	10:11:55	22	A. I am.
10:09:46	23	Q. And what's -- falls outside that? I mean,	10:11:56	23	Q. Okay. When a call would come in from a
10:09:50	24	give me -- can you give me an example of something	10:12:00	24	customer, would the name of the customer be put in?
10:09:52	25	that wouldn't involve a rigorous protocol that you	10:12:03	25	A. Yes.
Page 15			Page 17		
10:09:55	1	still sell?	10:12:03	1	Q. Okay. Would there already be something in
10:09:55	2	A. Certainly. Research and development tools,	10:12:09	2	the database about that customer? Past history,
10:10:01	3	sequencing, some applications for sequencing, SNPs,	10:12:15	3	earlier calls, any kind of former interactions,
10:10:10	4	single nucleotide polymorphisms.	10:12:18	4	would that be in the database, too?
10:10:10	5	Q. Okay. All right. So we talked about above	10:12:20	5	A. There may be.
10:10:12	6	your position. Now give me a sense of below your	10:12:20	6	Q. Okay. So if I'm a field application
10:10:15	7	position, that hierarchy, who reports to you and	10:12:23	7	specialist and I get a call from customer X, I might
10:10:18	8	that kind of thing.	10:12:27	8	be able on the database, if there was a call before,
10:10:19	9	A. Certainly. I have three field application	10:12:30	9	to look up and see that this was a problem that was
10:10:22	10	specialists. Two of them are seniors that have more	10:12:34	10	related to the last call that they made?
10:10:28	11	than five years' experience in crime laboratories,	10:12:36	11	A. Potentially, yes.
10:10:31	12	and they primarily work remotely in the field and	10:12:37	12	Q. Okay. All right. Are there other things
10:10:36	13	conduct trainings and troubleshooting.	10:12:41	13	that are built into the database system that allow
10:10:39	14	Q. Okay.	10:12:45	14	you, in your opinion, to better service a customer
10:10:40	15	A. And then I have two technical support	10:12:50	15	than just taking a call cold?
10:10:42	16	staff. They are also both seniors, and they	10:12:52	16	A. Yes.
10:10:45	17	primarily are assigned to phones and e-mail	10:12:53	17	MS. JOHNSON: Objection. Vague.
10:10:49	18	technical support.	10:12:53	18	BY MR. CARROLL:
10:10:50	19	Q. Okay. Now, you mentioned e-mails,	10:12:54	19	Q. And what would that be?
10:10:54	20	technical support, phones. Is there documentation	10:12:56	20	A. Do I --
10:10:59	21	that your people maintain for -- let's start with a	10:12:57	21	MS. JOHNSON: If you understand, yes.
10:11:04	22	phone call that would come in from a customer who	10:12:58	22	THE WITNESS: The database is built off the
10:11:07	23	had a troubleshooting issue?	10:13:02	23	serial numbers of the instrumentation, so if they've
10:11:09	24	A. Yes.	10:13:06	24	purchased an instrument, then it should be in the
10:11:09	25	Q. And who would initially prepare that	10:13:09	25	database, and we'd look it up that way rather than

5 (Pages 14 to 17)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 18		Page 20	
10:13:14	1 by customer name.	10:15:18	1 Q. Okay.
10:13:15	2 MR. CARROLL: Okay. Okay.	10:15:19	2 A. I have -- we have a southeastern,
10:13:16	3 Q. But the customer name would still be in	10:15:21	3 northeastern, a midwestern and a western.
10:13:18	4 there?	10:15:24	4 Q. Okay. Just taking a shot on some of the
10:13:19	5 A. At times.	10:15:30	5 documents I've seen, is Robert Rossi one of these
10:13:20	6 Q. Okay.	10:15:34	6 field application specialists?
10:13:21	7 A. Maybe.	10:15:35	7 A. He is not.
10:13:22	8 Q. Okay. And do you guys have a name for this	10:15:36	8 Q. He is not?
10:13:25	9 database? Is it a --	10:15:37	9 A. (Witness shakes head.)
10:13:27	10 A. Yes.	10:15:38	10 Q. Does he report to you at all?
10:13:27	11 Q. Okay. What's the name?	10:15:39	11 A. He does not.
10:13:28	12 A. Siebel, S-i-e-b-e-l.	10:15:40	12 Q. He does not.
10:13:33	13 Q. Okay. And how big is Siebel that you have	10:15:40	13 Do you know who he is?
10:13:38	14 access to?	10:15:41	14 A. I do.
10:13:39	15 MS. JOHNSON: Objection. Vague.	10:15:42	15 Q. Who is he?
10:13:41	16 MR. CARROLL: And if you don't understand,	10:15:43	16 A. He's a sales representative.
10:13:43	17 just say so and I'll help.	10:15:44	17 Q. Okay.
10:13:44	18 THE WITNESS: I don't.	10:15:45	18 A. For human identification.
10:13:44	19 MR. CARROLL: Okay. Okay.	10:15:47	19 Q. Not involved in support?
10:13:45	20 Q. In other words, what I'm getting at is: Do	10:15:49	20 A. Not involved in support.
10:13:47	21 you have your own portion of Siebel that you deal	10:15:50	21 Q. I got it. Okay.
10:13:51	22 with and others have their accounts in another	10:15:51	22 So why don't we get the names of your three
10:13:55	23 database, or is it all one happy family in Siebel?	10:15:54	23 field application specialists since I guessed wrong.
10:14:09	24 A. My understanding is that my database and my	10:15:57	24 A. That's fine. April Orbison.
10:14:12	25 team's database is set up so that we have visibility	10:16:00	25 Q. Okay.
Page 19		Page 21	
10:14:17	1 to all the accounts that are in Siebel, but we	10:16:01	1 A. Melissa Kotkin.
10:14:22	2 choose to only search on a smaller scale, just due	10:16:03	2 Q. Okay.
10:14:28	3 to the magnitude of the information.	10:16:03	3 A. Sorry, Mark Danus, D-a-n-u-s.
10:14:30	4 Q. Okay. Now, you mentioned in your title the	10:16:09	4 Q. Okay. And who's east coast among those
10:14:34	5 word "district," if I heard that right.	10:16:14	5 three?
10:14:36	6 A. Yes.	10:16:14	6 A. Melissa Kotkin is southeast.
10:14:37	7 Q. Okay. Is that a territory?	10:16:17	7 Q. Okay. Is the east coast open right now?
10:14:39	8 A. It is.	10:16:19	8 A. No.
10:14:39	9 Q. Okay. What's that?	10:16:19	9 Q. Oh, okay. Who's -- who would cover, like,
10:14:40	10 A. The United States and Canada.	10:16:23	10 New England?
10:14:42	11 Q. Oh, okay. That's a big territory.	10:16:23	11 A. Mark Danus.
10:14:45	12 A. It is.	10:16:24	12 Q. Okay. What's the region that's open right
10:14:45	13 Q. So there's no other district manager for	10:16:28	13 now that you don't have?
10:14:48	14 the United States for human identity support than	10:16:29	14 A. The west coast.
10:14:53	15 you?	10:16:29	15 Q. Oh, the west coast. Okay.
10:14:54	16 A. That is correct.	10:16:30	16 How are you handling that?
10:14:55	17 Q. Okay. And now let's go down to those FASs;	10:16:32	17 A. I'm currently interviewing to fill that
10:15:01	18 you said you have three of them?	10:16:35	18 position.
10:15:02	19 A. I do. Currently.	10:16:36	19 Q. Okay. Are you kind of yourself, though,
10:15:04	20 Q. And what are their territories?	10:16:38	20 double duty, being an FAS person as well as your
10:15:06	21 A. They're geographically based.	10:16:42	21 regular job until it gets filled?
10:15:09	22 Q. Okay. Three areas in the United States	10:16:44	22 A. Not currently. We divide up the calls or
10:15:13	23 or --	10:16:47	23 requests as they come in amongst the team.
10:15:13	24 A. There are four areas, but one of those head	10:16:50	24 Q. Okay. I got it.
10:15:17	25 count is currently open.	10:16:52	25 Now, you also said you had, and I may get

6 (Pages 18 to 21)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 22			Page 24		
10:16:54	1	this term wrong, technical support specialists?	10:18:57	1	Q. Okay.
10:16:57	2	A. Yes.	10:18:58	2	A. For human identification that is the team.
10:16:58	3	Q. Am I using the right term?	10:19:00	3	Q. Okay. Do you take phone calls yourself?
10:16:59	4	A. They are technically FAS, but we -- since	10:19:04	4	A. Sometimes.
10:17:03	5	they're primarily assigned to their home office, is	10:19:05	5	Q. Okay. Big accounts?
10:17:07	6	where they do e-mail and phone support, we	10:19:08	6	A. Sometimes.
10:17:12	7	internally call them tech support.	10:19:08	7	Q. Okay. Do you fill out this form?
10:17:14	8	Q. Okay. So if I heard you right, you said	10:19:11	8	A. Yes.
10:17:18	9	you had the three FAS, and we've named them now?	10:19:11	9	Q. And enter data into Siebel?
10:17:22	10	A. Yes.	10:19:14	10	A. Yes.
10:17:22	11	Q. And you have two of these technical support	10:19:14	11	Q. Okay. And can you get that printed out?
10:17:24	12	people?	10:19:18	12	A. We can run reports.
10:17:24	13	A. Yes.	10:19:21	13	Q. Okay.
10:17:24	14	Q. Who are also pseudo FAS. Can you give me	10:19:23	14	A. That printing from Siebel is not -- is not
10:17:28	15	their two names?	10:19:28	15	as efficient as it should be.
10:17:28	16	A. Yes.	10:19:30	16	Q. Okay. Is it something that you can put
10:17:29	17	Q. Okay.	10:19:35	17	electronically, like on a stick?
10:17:29	18	A. Ellen Bishop and Lisa Ortuno.	10:19:37	18	A. Yes.
10:17:32	19	Q. I've seen Lisa's name on some of the	10:19:37	19	Q. Okay. And do you actually use -- use a
10:17:34	20	documents.	10:19:40	20	stick when you're, say, remote, or do you actually
10:17:35	21	A. Okay.	10:19:43	21	call in to Siebel?
10:17:36	22	Q. You said they -- something about they are	10:19:45	22	A. It's a web-based program.
10:17:39	23	more local?	10:19:47	23	Q. It's web-based.
10:17:41	24	A. They are primarily -- their duties are to	10:19:48	24	A. If we have Internet, access to the
10:17:45	25	be assigned to be in their home offices so that they	10:19:51	25	Internet, then we can have full view of it.
Page 23			Page 25		
10:17:50	1	can receive e-mails and receive phone calls.	10:19:54	1	Q. Okay. Now, you mentioned that in Siebel
10:17:53	2	Q. Okay. So your team, then, you're not all	10:19:58	2	there's this serial number if they've purchased an
10:17:58	3	together in one building?	10:20:01	3	instrument.
10:17:59	4	A. No.	10:20:01	4	A. Yes.
10:18:00	5	Q. Okay. So where are you located primarily?	10:20:02	5	Q. And let's just get through the instrument
10:18:04	6	A. In my home office.	10:20:04	6	terminology so we can kind of come to some
10:18:05	7	Q. Where's that?	10:20:07	7	shorthand.
10:18:06	8	A. Conyers, Georgia, just outside Atlanta.	10:20:07	8	A. Okay.
10:18:10	9	Q. Okay. And your three FAS, where are they	10:20:08	9	Q. I've seen 3130, I've seen 3500, and a lot
10:18:13	10	typically located?	10:20:16	10	of letters. Are these prism instruments? Are they
10:18:14	11	A. Melissa is based in Orlando, Florida; Mark	10:20:19	11	all called prism?
10:18:18	12	Danus is based in Burlington, North Carolina. And	10:20:20	12	A. They're not all called prism, but they are
10:18:24	13	who's left? I'm sorry, April is based in Austin,	10:20:23	13	instruments, yes.
10:18:28	14	Texas.	10:20:24	14	Q. Okay. Help me, what are the prism
10:18:29	15	Q. Okay. And the two technical support, where	10:20:26	15	instruments?
10:18:31	16	are they based?	10:20:28	16	MS. JOHNSON: And I'll object to the extent
10:18:32	17	A. Ellen is based in Modesto, California, and	10:20:30	17	it goes beyond the scope. I understand it's just
10:18:36	18	Lisa in Columbia, South Carolina.	10:20:33	18	foundation at this point.
10:18:39	19	Q. Okay. And is that your whole team?	10:20:34	19	MR. CARROLL: Right.
10:18:41	20	A. That is my team currently, yes.	10:20:34	20	THE WITNESS: So do I answer as best I'm
10:18:42	21	Q. Okay. And when I say "your whole team,"	10:20:36	21	able?
10:18:45	22	that's -- that's your senior team, but are there	10:20:37	22	MS. JOHNSON: If you can.
10:18:49	23	people underneath, secretaries, assistants, anybody	10:20:38	23	THE WITNESS: Prism relates to the part of
10:18:54	24	like that?	10:20:42	24	the instrument that has to do with the optics and
10:18:55	25	A. I wish, no.	10:20:44	25	the way that they're captured by the camera and

7 (Pages 22 to 25)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 26			Page 28		
10:20:48	1	presented in the software. But we certainly support	10:22:34	1	Q. Okay. Electronic file?
10:20:51	2	instruments that aren't all prism.	10:22:36	2	A. Yes.
10:20:54	3	MR. CARROLL: Okay.	10:22:36	3	Q. Okay. So this was something you could
10:20:54	4	Q. Is the 3130 a prism?	10:22:39	4	access on your laptop?
10:20:58	5	A. It is.	10:22:41	5	A. Yes.
10:20:59	6	Q. Is the 3500 a prism?	10:22:41	6	Q. Okay. And when you looked at those
10:21:03	7	A. I'm not sure that it is labeled a prism.	10:22:46	7	documents, were you able to sort out customers who
10:21:08	8	Q. Okay. All right. Well, the reporter has	10:22:49	8	use STR kits for clinical purposes?
10:21:12	9	kindly premarked an exhibit, Exhibit 1 there, so why	10:22:54	9	MS. JOHNSON: Object. Object to form.
10:21:16	10	don't we pull that out.	10:22:56	10	You can answer if you understand the
10:21:18	11	A. Okay.	10:22:57	11	question.
10:21:19	12	(The document referred to was marked by the	10:22:59	12	THE WITNESS: I had Ellen run a search
	13	reporter as Exhibit 1 for identification and is	10:23:07	13	of -- of entries from accounts from a list that was
	14	attached hereto.)	10:23:14	14	supplied to me.
10:21:20	15	MR. CARROLL: Now that I have an	10:23:14	15	MR. CARROLL: Oh, okay.
10:21:20	16	understanding of what you do, we can talk a little	10:23:15	16	Q. Who supplied the list?
10:21:23	17	bit about some of these topics.	10:23:18	17	A. Amy Sun.
10:21:25	18	Q. You understand that this is litigation and	10:23:19	18	Q. Okay. And do you have an understanding of
10:21:32	19	that Life Tech is one of the parties in the	10:23:22	19	what that list that was supplied to you represented?
10:21:35	20	litigation?	10:23:25	20	MS. JOHNSON: And I would caution you not
10:21:36	21	A. Yes.	10:23:27	21	to divulge the content of anything that Amy told
10:21:36	22	Q. And you understand this is in a federal	10:23:30	22	you. But if you have an understanding of what that
10:21:39	23	court?	10:23:32	23	list represented, then you can answer the question.
10:21:39	24	A. Yes.	10:23:35	24	THE WITNESS: Okay. I understood that the
10:21:39	25	Q. And you understand that this is a	10:23:38	25	list represented accounts that would be topics for
Page 27			Page 29		
10:21:42	1	deposition where you speak for the company?	10:23:42	1	discussion today, so that is what I instructed Ellen
10:21:44	2	A. Yes.	10:23:46	2	to pull a report on.
10:21:44	3	Q. So it's not just your knowledge, it's the	10:23:48	3	MR. CARROLL: Okay.
10:21:48	4	collective knowledge of the company?	10:23:48	4	Q. And did you understand those topics would
10:21:50	5	A. Yes.	10:23:51	5	include clinical customers?
10:21:50	6	Q. Okay. And are there steps you took before	10:23:54	6	MS. JOHNSON: And again, I would caution
10:21:53	7	today to kind of acquire that collective knowledge	10:23:56	7	you not to divulge anything that counsel told you,
10:21:56	8	of the company?	10:24:00	8	but you can answer the question as far as your
10:21:57	9	A. Yes.	10:24:02	9	understanding goes.
10:21:57	10	Q. And what were those steps?	10:24:04	10	THE WITNESS: I'll just restate: I
10:21:59	11	A. I reviewed some documents. I spoke with	10:24:06	11	instructed Ellen to run a report of any entries from
10:22:05	12	our attorneys.	10:24:11	12	these customers.
10:22:05	13	Q. Okay. Let me stop you there for one	10:24:12	13	MR. CARROLL: Okay.
10:22:07	14	second, because I can't remember that much, so I'm	10:24:12	14	Q. And from which -- which customers?
10:22:09	15	going to stop you when I --	10:24:15	15	A. From the list of customers that I'd been
10:22:12	16	Not talking about the attorneys for a	10:24:17	16	given.
10:22:14	17	minute, just the documents.	10:24:18	17	Q. You'd been given. Okay. Understood.
10:22:16	18	A. Okay.	10:24:19	18	Did you have occasion to read what's been
10:22:16	19	Q. Can you tell me some of the documents that	10:24:24	19	marked Exhibit 1 in front of you before today?
10:22:18	20	you looked at?	10:24:27	20	A. I have looked over it.
10:22:18	21	A. E-mails, Siebel entries.	10:24:28	21	Q. Okay. Can you give me a feel of how much
10:22:22	22	Q. Okay. And how did you look at Siebel	10:24:32	22	you looked over? For example, did you look at the
10:22:25	23	entries?	10:24:34	23	definitions?
10:22:26	24	A. I had Ellen Bishop run a report to gather	10:24:37	24	A. Definitions of what?
10:22:32	25	those in one file.	10:24:40	25	Q. So, for example, the definition of

8 (Pages 26 to 29)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 30		Page 32	
10:24:42	1 "document" on page 2, the definition of "defendants"	10:27:08	1 A. Okay.
10:24:46	2 at the bottom of page 2, did you have occasion to	10:27:08	2 Q. How about bone marrow transplantation, is
10:24:49	3 see that?	10:27:11	3 that clinical?
10:24:50	4 A. I did see that.	10:27:13	4 A. What exactly --
10:24:51	5 Q. Okay. And then the topics start on page 3;	10:27:14	5 MS. JOHNSON: Are you asking to her
10:24:55	6 do you see that?	10:27:16	6 understanding, for her understanding as to whether
10:24:56	7 A. Yes.	10:27:18	7 that's clinical or --
10:24:56	8 Q. Okay. Did you have occasion to read these	10:27:19	8 MR. CARROLL: Yes. She mentioned a minute
10:24:59	9 numbered paragraphs?	10:27:20	9 ago she didn't think all these things were clinical,
10:25:00	10 A. I did.	10:27:23	10 so I thought I would go through them and let her
10:25:01	11 Q. Okay. Great.	10:27:26	11 tell me what she thought was clinical.
10:25:04	12 Looking at the first topic, you can just	10:27:28	12 THE WITNESS: Okay. Bone marrow
10:25:08	13 read it to yourself, my question is: Are you the	10:27:32	13 transplantation, as it would relate to a diagnosis
10:25:11	14 most knowledgeable at Life Tech on that topic?	10:27:38	14 of a patient and a donor, I would classify as
10:25:24	15 A. I'm the most knowledgeable on the support	10:27:43	15 clinical.
10:25:27	16 of STR kits in the United States and Canada.	10:27:44	16 MR. CARROLL: Okay.
10:25:32	17 Q. Okay. Great.	10:27:44	17 Q. And you mentioned you aren't familiar with
10:25:33	18 Are you the most knowledgeable with respect	10:27:46	18 all of these. Let's start with bone marrow
10:25:38	19 to the clinical applications that are specified in	10:27:49	19 transplantation. Are you familiar with how STR kits
10:25:44	20 paragraph 1 on page 3 of what we've marked Exhibit	10:27:54	20 are used for bone marrow transplantation?
10:25:47	21 1?	10:27:56	21 A. Somewhat.
10:25:50	22 MS. JOHNSON: Objection. Vague.	10:27:56	22 Q. And we'll get back to that. But we'll just
10:25:51	23 You can answer if you understand the	10:27:59	23 finish the same question for hydatidiform moles, is
10:25:52	24 question.	10:28:03	24 that clinical?
10:25:55	25 THE WITNESS: Could you define "clinical	10:28:04	25 A. I'm not familiar with that application.
Page 31		Page 33	
10:25:57	1 applications"?	10:28:05	1 Q. That's fine. That's fine. It's a big
10:25:57	2 MR. CARROLL: Yeah. I think we ought to do	10:28:07	2 list.
10:25:59	3 that because I don't want to have to go through all	10:28:08	3 Cancer genotype diagnostics, are you
10:26:01	4 of these little applications that are listed. So I	10:28:10	4 familiar with that?
10:26:04	5 just want to maybe come -- just like we did with	10:28:11	5 A. I am not.
10:26:07	6 other things, a shorthand. If I can use the word	10:28:12	6 Q. Okay. How about, let's go to cell culture
10:26:09	7 "clinical applications" to mean -- and I'm going to	10:28:17	7 authentication.
10:26:13	8 read them, and hopefully we won't have to read them	10:28:18	8 A. I am.
10:26:15	9 again -- STR kits for bone marrow transplantation,	10:28:19	9 Q. You're familiar with that?
10:26:21	10 hydatidiform mole characterization, cancer genotype	10:28:20	10 A. Yes.
10:26:25	11 diagnostics, clinical diagnostic tests, including	10:28:20	11 Q. All right. What is that?
10:26:29	12 home brew tests; cell culture authentication,	10:28:22	12 A. That is, in my understanding, where a
10:26:34	13 clinical research, clinical sample misidentification	10:28:26	13 laboratory will start with a cell culture that they
10:26:39	14 and clinical sample contamination.	10:28:31	14 will clone over several generations or iterations,
10:26:42	15 Q. Can we agree, when I say "clinical	10:28:37	15 and often in their research will apply different
10:26:44	16 applications," that's the list I'll mean?	10:28:45	16 pharmacogenetics to see the response of that cell
10:26:48	17 A. I disagree that -- first of all, I don't	10:28:48	17 line to those, to see if they can spawn mutations,
10:26:51	18 know what some of these are.	10:28:52	18 etcetera.
10:26:53	19 Q. Okay. That's fine. Are there --	10:28:52	19 And then at the end of that study, to run
10:26:56	20 A. Second --	10:28:57	20 STR kits to see if it's the same cell line, if these
10:26:57	21 Q. No, I don't want to interrupt you. Sorry.	10:29:02	21 actions have caused a change at the genetic level.
10:26:59	22 A. And I would disagree that everything in	10:29:08	22 Q. Okay. And are you familiar with customers
10:27:02	23 this list could be classified as clinical	10:29:12	23 who buy LTI/ABI STR kits for the type of testing you
10:27:05	24 applications.	10:29:20	24 just described for cell culture authentication?
10:27:05	25 Q. Okay. Well, let's break it apart, then.	10:29:23	25 A. I am.

9 (Pages 30 to 33)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 34		Page 36	
10:29:24	1 Q. Okay. How about sample contamination, are	10:32:22	1 familiar with?
10:29:33	2 you familiar with the use of STR kits to study	10:32:24	2 A. No.
10:29:36	3 sample contamination?	10:32:24	3 Q. Okay. So we'll agree, then, when I say the
10:29:37	4 A. I am.	10:32:28	4 applications that you're familiar with in paragraph
10:29:38	5 Q. And, you know, what kind of familiarity is	10:32:31	5 I -- and I won't use the word clinical, I'll just
10:29:41	6 that? What type of thing are you familiar with?	10:32:35	6 say applications so we won't have any
10:29:44	7 A. An example would be a maternal cell line:	10:32:37	7 disagreement -- will be those four?
10:29:50	8 very much like the cell culture authentication where	10:32:38	8 A. Okay.
10:29:57	9 a researcher might be doing genetic studies on a	10:32:39	9 Q. Is that okay?
10:30:02	10 certain disease, say diabetes, that they would have	10:32:39	10 A. Yes.
10:30:06	11 maternal and fetal cells, and they would want to	10:32:40	11 Q. That way I don't have to go through them,
10:30:09	12 make sure that the -- the findings they were making	10:32:41	12 and I can spare the reporter his fingers when we go
10:30:16	13 published results on were from maternal cell line	10:32:46	13 on because the other paragraphs that follow I'll
10:30:19	14 that, or potentially the fetal cell line, that would	10:32:51	14 want to refer back to those four applications that
10:30:24	15 not be contaminated by the maternal cell line.	10:32:53	15 you're familiar with.
10:30:28	16 Because when you harvest fetal cells, it's very	10:32:54	16 A. Okay.
10:30:31	17 difficult to purify and just get fetal cells.	10:32:54	17 Q. Okay. In preparing for this deposition,
10:30:35	18 Q. I see. Okay. All right.	10:33:02	18 you mentioned that you looked at this database,
10:30:38	19 Given what we've gone through, why don't we	10:33:06	19 Siebel database. On that database that you looked
10:30:43	20 agree, then, on just the word "applications" for the	10:33:11	20 at in preparation for the deposition, were there
10:30:48	21 ones you're familiar with, bone marrow, cell culture	10:33:15	21 customers who used STRs for any of the four
10:30:54	22 authentication, and sample contamination. Is there	10:33:19	22 applications we just talked about?
10:30:59	23 anything else we can add to that list from the list	10:33:22	23 A. Yes.
10:31:02	24 in paragraph 1 of page 3 of the exhibit we've marked	10:33:22	24 Q. Okay. And how could you identify that on
10:31:06	25 Exhibit 1 than those three that you're familiar	10:33:26	25 Siebel? If you could.
Page 35		Page 37	
10:31:11	1 with?	10:33:28	1 A. By the summary of the entry that the person
10:31:12	2 A. Yes.	10:33:38	2 who took the call.
10:31:12	3 Q. Oh, good.	10:33:40	3 Q. Okay. So, again, never having seen it
10:31:13	4 A. Laboratory sample misidentification.	10:33:44	4 myself, I'm trying to imagine it, but most data
10:31:17	5 Q. Great. Tell me about that.	10:33:47	5 entries have kind of some central comment section,
10:31:21	6 A. So I've worked in a laboratory, and you	10:33:51	6 as well as codes and dates and numbers. Is it that
10:31:25	7 always want to make certain that what you're	10:33:57	7 central comment-type section that would give you
10:31:27	8 reporting out on is the right sample, that there	10:34:00	8 that information, or Siebel's structured a little
10:31:31	9 hasn't been some sample switching, or if you've run	10:34:03	9 differently than that?
10:31:34	10 a series of tests on a known and you're making a	10:34:04	10 A. No, it's structured similarly. It would be
10:31:38	11 comparison to an unknown, and you want to make	10:34:07	11 more of a call entry summary.
10:31:41	12 certain that those originated from the same	10:34:10	12 Q. Okay. Help me. As you can imagine, I'm
10:31:44	13 individual, after you do your tests they're	10:34:13	13 not familiar with this business and that detail. So
10:31:48	14 separated in time and space. And so once you	10:34:16	14 what would a call entry summary be?
10:31:51	15 complete your tests, you want to make sure that	10:34:20	15 A. Customer has software question, customer
10:31:54	16 you've done the test on the proper sample that you	10:34:27	16 has read a journal article and requests a protocol.
10:31:57	17 think you have. So STR kits are used to make that	10:34:33	17 Q. Okay. And I mentioned before that you had
10:32:02	18 identification confirmed.	10:34:38	18 filled out these types of forms, but the Siebel
10:32:05	19 Q. Okay. So we've got bone marrow	10:34:42	19 database that you searched in preparation for this
10:32:08	20 transplantation, cell culture authentication, the	10:34:45	20 deposition would include those as well as other
10:32:12	21 one you just talked about, which is sample	10:34:48	21 people's?
10:32:15	22 misidentification, and then sample contamination.	10:34:48	22 A. Yes.
10:32:18	23 So I've got four out of that list.	10:34:48	23 Q. Okay. So in preparation for this
10:32:20	24 A. Okay.	10:34:50	24 deposition, did you look at other people's data
10:32:21	25 Q. Anything else in that list that you're	10:34:53	25 entries?

10 (Pages 34 to 37)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 38			Page 40		
10:34:54	1	A. I did on my team.	10:37:03	1	Q. Okay. That's where I'm going.
10:34:56	2	Q. Okay. And is there a way on Siebel to see	10:37:05	2	And that's a form of support? In your
10:34:59	3	who in your team had made those entries?	10:37:09	3	business, do you consider training on these
10:35:02	4	A. Yes.	10:37:12	4	instruments part of your support function?
10:35:02	5	Q. Okay. Is there a way on that Siebel	10:37:15	5	A. Yes.
10:35:05	6	database to see when those entries were made?	10:37:15	6	Q. Okay. Have you trained customers on
10:35:08	7	A. Yes.	10:37:19	7	instruments?
10:35:09	8	Q. Okay. Today I'm going to be most	10:37:19	8	A. Yes.
10:35:13	9	interested in the period 2006 to the present. Okay?	10:37:19	9	Q. Have you trained customers on such
10:35:18	10	A. Okay.	10:37:23	10	instruments where you knew they were going to use
10:35:18	11	Q. I'm going to call that the period of time.	10:37:25	11	them for bone marrow transplant monitoring?
10:35:21	12	I'll probably repeat 2006 to present as many times	10:37:29	12	MS. JOHNSON: Object to the extent that it
10:35:23	13	as I can.	10:37:31	13	goes beyond the scope.
10:35:26	14	In you preparing for this deposition, did	10:37:33	14	THE WITNESS: So do I answer?
10:35:28	15	you have occasion to look at entries that were made	10:37:34	15	MS. JOHNSON: You can answer to the extent
10:35:31	16	in the period 2006 to present?	10:37:35	16	you know.
10:35:33	17	A. I did.	10:37:38	17	THE WITNESS: Could you restate the
10:35:34	18	Q. Okay. And in that group were there	10:37:39	18	question?
10:35:38	19	customers who had purchased and used LTI/ABI STR	10:37:39	19	MR. CARROLL: I'll let him do it. He does
10:35:47	20	kits for any of the four applications in paragraph 1	10:37:41	20	a much better job.
10:35:51	21	of Exhibit 1?	10:37:53	21	(Whereupon the record was read as follows:
10:35:54	22	A. I'm unable to answer for certain on every	10:37:20	22	"Q. Have you trained customers on
10:35:58	23	one of the entries. The topic of STR kits does not	10:37:23	23	such instruments where you knew they
10:36:02	24	always come up in their requests of us. So it may	10:37:25	24	were going to use them for bone marrow
10:36:11	25	be they were calling about a hardware issue or a	10:37:28	25	transplant monitoring?")
Page 39			Page 41		
10:36:14	1	software issue or a user issue.	10:37:56	1	THE WITNESS: I've trained customers on
10:36:17	2	Q. Okay.	10:37:58	2	instruments that I knew were not crime laboratories.
10:36:18	3	A. So we don't always know what kits they're	10:38:02	3	I'm not always certain of their application.
10:36:22	4	using.	10:38:05	4	BY MR. CARROLL:
10:36:22	5	Q. Okay.	10:38:07	5	Q. Okay. Given that, that's fine, has there
10:36:23	6	A. They may --	10:38:10	6	ever been an instance for you where you did know
10:36:24	7	Q. So I'll back up, then.	10:38:13	7	what they were going to do and it was not going to
10:36:25	8	Some of these entries could simply be that	10:38:16	8	be a crime lab application?
10:36:30	9	you have installed an instrument in a clinical lab	10:38:18	9	A. No.
10:36:34	10	and they have a question about it?	10:38:18	10	Q. Okay. When you looked at the database in
10:36:37	11	A. Could be, yes.	10:38:28	11	preparation for this deposition, are you able to
10:36:40	12	Q. Okay. Let's go with that. Let's talk	10:38:33	12	determine what uses the particular caller who made
10:36:42	13	about the instrument a little bit. These are pretty	10:38:39	13	the call is making for the STR kit? Are you able to
10:36:44	14	complicated instruments?	10:38:45	14	discern that?
10:36:45	15	A. They are.	10:38:45	15	A. Not always.
10:36:45	16	Q. And we talked a little bit about the prism	10:38:46	16	Q. Not always.
10:36:48	17	instruments before. The 3130, is that a complicated	10:38:46	17	In some cases?
10:36:53	18	instrument?	10:38:48	18	A. In some, yes.
10:36:55	19	A. Yes.	10:38:49	19	Q. And in the database information that you
10:36:55	20	MS. JOHNSON: Object to the extent it goes	10:38:52	20	reviewed, were you able to see even one customer who
10:36:58	21	beyond the scope. Again, if it's just for	10:38:57	21	you could identify was using LTI/ABI STR kits for
10:37:00	22	foundation, I'll allow it at this point.	10:39:05	22	one of the four applications we've talked about in
10:37:01	23	BY MR. CARROLL:	10:39:07	23	paragraph 1?
10:37:02	24	Q. For example, it would require training?	10:39:13	24	A. There was one that called and asked a
10:37:03	25	A. Yes.	10:39:15	25	question about using an STR kit in bone marrow

11 (Pages 38 to 41)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 42			Page 44		
10:39:22	1	engraftment or in cell line authentication, but I	10:41:34	1	MR. CARROLL: Right, the four. We'll go
10:39:26	2	don't know for sure that they are using STR kits.	10:41:36	2	with that.
10:39:30	3	Q. Okay. Were you ever an FAS yourself?	10:41:36	3	Q. The four categories -- the four topics in
10:39:34	4	A. I was.	10:41:38	4	paragraph 1, that market is not growing as rapidly
10:39:35	5	Q. As part of your duties as an FAS, did you	10:41:42	5	as, say, forensics?
10:39:40	6	go into customer labs?	10:41:44	6	MS. JOHNSON: And I'll object to the extent
10:39:42	7	A. I did.	10:41:45	7	this is beyond the scope of -- of Ms. Shepherd's
10:39:43	8	Q. Did you ever go into a customer lab who had	10:41:49	8	notice.
10:39:46	9	purchased either an instrument or STR kits to work	10:41:50	9	To the extent you can answer, you may
10:39:50	10	on the instrument where you learned from your visit	10:41:52	10	answer.
10:39:54	11	that they were going to use them for one of the four	10:41:52	11	THE WITNESS: I would say no, forensics
10:39:56	12	applications we've talked about in paragraph 1?	10:41:56	12	is -- human identification is growing rapidly.
10:39:59	13	MS. JOHNSON: Can we put a time frame on	10:41:59	13	MR. CARROLL: Okay. All right.
10:40:01	14	that?	10:42:02	14	Q. In your preparation for this deposition,
10:40:01	15	MR. CARROLL: Sure.	10:42:07	15	did you read any documents related to technical
10:40:02	16	2006 to the present.	10:42:12	16	service center or service sales representative
10:40:03	17	THE WITNESS: No.	10:42:15	17	inquiries about STR kits?
10:40:03	18	BY MR. CARROLL:	10:42:21	18	A. I'm not sure. That's not the verbiage that
10:40:04	19	Q. Okay. Were you an FAS before that?	10:42:28	19	we would use, so --
10:40:07	20	A. I was.	10:42:30	20	Do you have an example of what --
10:40:07	21	Q. Aha, okay. All right.	10:42:31	21	Q. That's good. I'll break it down. I'm
10:40:10	22	What was your time when you were an FAS?	10:42:33	22	glad -- if you don't know, go ahead and say it.
10:40:15	23	A. From 1999 to 2005.	10:42:35	23	Is there a technical service center for
10:40:19	24	Q. Okay. That's a pretty big chunk of time.	10:42:38	24	support of STR kits at Life Tech?
10:40:22	25	Were you aware during this time period that	10:42:42	25	A. Yes.
Page 43			Page 45		
10:40:26	1	clinical labs were interested in STR technology?	10:42:42	1	Q. Okay. What is that technical service
10:40:31	2	A. Yes.	10:42:45	2	center? What is it? Is it a building? Is it a
10:40:31	3	Q. Was that a growing customer base for you as	10:42:49	3	team of people?
10:40:36	4	an FAS person in the period that you were an FAS?	10:42:50	4	A. There's -- Life Technologies has many call
10:40:41	5	A. No.	10:42:56	5	centers for many customers conducting many
10:40:41	6	MS. JOHNSON: Object. Beyond the scope.	10:43:03	6	applications. My area of expertise is the human
10:40:43	7	Beyond the scope.	10:43:07	7	identification products.
10:40:44	8	THE WITNESS: No.	10:43:09	8	Q. So if I'm a customer, do I call the
10:40:45	9	BY MR. CARROLL:	10:43:14	9	technical service center and then it gets routed to
10:40:45	10	Q. It wasn't growing?	10:43:17	10	you based on my question?
10:40:46	11	A. It wasn't in -- in my perspective, it was	10:43:19	11	A. It could.
10:40:50	12	not a growing business.	10:43:21	12	Q. Okay. Could it also be the case that I
10:40:51	13	Q. Okay. Now, in the period 2006 to present,	10:43:24	13	call you somehow directly?
10:40:56	14	in your perspective, is it a growing business?	10:43:26	14	A. Yes.
10:41:00	15	A. Relatively, no.	10:43:27	15	Q. And how would I know to do that as a
10:41:01	16	Q. And help me out. Relatively to other	10:43:29	16	customer?
10:41:06	17	STS -- sorry, other STR markets?	10:43:30	17	A. We have a dedicated phone number for human
10:41:10	18	A. Yes.	10:43:34	18	identification and a dedicated e-mail for human
10:41:10	19	Q. Okay. What's a big growing STR market?	10:43:39	19	identification.
10:41:15	20	A. Human identification, forensics.	10:43:40	20	Q. Okay. So just trying to understand that,
10:41:18	21	Q. Okay. So the clinical applications are not	10:43:45	21	with that dedicated number, those inquiries from
10:41:23	22	going as fast in terms of an expanding market as the	10:43:48	22	your customers that you manage would not go through
10:41:28	23	forensic applications?	10:43:52	23	the technical service center?
10:41:29	24	MS. JOHNSON: Are we talking about the four	10:43:54	24	A. Correct.
10:41:31	25	categories in topic No. 1 that we've identified?	10:43:54	25	Q. It would come directly where?

12 (Pages 42 to 45)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 46		Page 48	
10:43:57	1 A. We have a cue phone system that it	10:46:03	1 center, how is that tracked? Can that go up on
10:44:01	2 literally rings in my basement in Conyers, Georgia,	10:46:08	2 Siebel, for example, from there?
10:44:06	3 or in Ellen's home office in Modesto, or in Lisa's	10:46:09	3 A. It can. So in the larger call centers for
10:44:10	4 home office in Columbia, South Carolina.	10:46:16	4 what we refer to as the other side of the business,
10:44:12	5 Q. For the whole United States and Canada?	10:46:20	5 they also have Siebel. But there -- we have an
10:44:15	6 A. Yes.	10:46:23	6 option on the phone tree, you know, if you're
10:44:15	7 Q. Is that phone ringing off the hook?	10:46:26	7 calling about a 3500 press one, so you go through
10:44:19	8 A. We receive several calls, yes.	10:46:32	8 the phone tree and you could be routed to one of our
10:44:21	9 Q. How many calls a day do you get in your	10:46:37	9 home offices that way as well.
10:44:23	10 house?	10:46:40	10 Q. Okay. Got it.
10:44:24	11 A. It depends on the cue and the -- how many	10:46:41	11 Is there such a thing as the applications
10:44:28	12 people are logged in.	10:46:45	12 technical support team at Life Tech?
10:44:30	13 Q. Could it be 10?	10:46:48	13 A. There is.
10:44:31	14 A. Could be.	10:46:49	14 Q. Are -- is your unit part of that or are
10:44:31	15 Q. Could it be more?	10:46:53	15 they distinct?
10:44:32	16 A. Could be.	10:46:54	16 A. We are distinct.
10:44:33	17 Q. Whoa. What portion of your day, on	10:46:55	17 Q. You're distinct.
10:44:37	18 average, are you handling support questions for STR	10:46:56	18 So what is the applications technical
10:44:41	19 kits from these phone calls?	10:46:59	19 support team? Does it have anything to do with STR
10:44:44	20 MS. JOHNSON: You're asking just her	10:47:02	20 kits?
10:44:46	21 personally?	10:47:02	21 A. Yes.
10:44:47	22 MR. CARROLL: Yes. Just to get a sense of	10:47:02	22 Q. Oh, okay. What is that?
10:44:50	23 volume here.	10:47:05	23 A. Short tandem repeat kits are used for a
10:44:50	24 THE WITNESS: Now that I'm a manager,	10:47:08	24 variety of applications. I'm -- I'm not -- I'm
10:44:52	25 not -- maybe 10 percent of my time.	10:47:14	25 not -- that's not my area of expertise to speak to
Page 47		Page 49	
10:44:55	1 MR. CARROLL: Okay. Okay.	10:47:16	1 all that they support.
10:44:55	2 Q. And when did you become the manager?	10:47:19	2 Q. Okay.
10:44:57	3 A. Five and a half years ago.	10:47:19	3 A. So just fragment analysis is STRs. What we
10:44:59	4 Q. Okay. Before that you were handling more	10:47:26	4 would call a general call may go to that group.
10:45:04	5 of the load of the phone calls?	10:47:29	5 Q. Okay. Who's the head of that group?
10:45:05	6 A. Yes.	10:47:31	6 A. Paul Galgano.
10:45:05	7 Q. Okay. When your FAS or technical support	10:47:32	7 Q. Can you spell that?
10:45:09	8 people take a phone call, do you find out about it?	10:47:33	8 A. Yes. G-a-l-g-a-n-o.
10:45:14	9 A. Not on a daily basis.	10:47:38	9 Q. Okay. And he still would deal with STR
10:45:16	10 Q. Okay. Is it one of these things where it	10:47:43	10 kits, but not in the areas that your team deals
10:45:20	11 will be loaded into Siebel and if need be you could	10:47:50	11 with?
10:45:24	12 look at it, but you're not going to look at it	10:47:50	12 A. Yes.
10:45:26	13 unless some special need is there?	10:47:51	13 Q. Okay. So maybe -- I got to understand the
10:45:28	14 A. Yes.	10:47:55	14 lingo here.
10:45:28	15 Q. Okay. So your duties for support, then, if	10:47:58	15 Does he handle STR kits for forensic uses?
10:45:35	16 they're not answering the phone calls, are what?	10:48:01	16 A. No.
10:45:39	17 A. I manage the team that coordinates	10:48:02	17 Q. For paternity uses?
10:45:44	18 prioritization of trainings, development of	10:48:04	18 A. No.
10:45:47	19 curriculum, who's going to attend what meeting and	10:48:04	19 Q. For cell authentication uses?
10:45:51	20 do what presentation.	10:48:08	20 A. He may. Again, callers may not identify
10:45:52	21 Q. Okay. All right.	10:48:15	21 what exactly they're doing. They may be calling
10:45:54	22 A. Who's going to go to what troubleshooting	10:48:18	22 about a thermal cyler, which is another instrument
10:45:56	23 site.	10:48:22	23 we haven't even talked about yet.
10:45:57	24 Q. Okay. Now, in the case where the phone	10:48:24	24 Q. Sure.
10:46:00	25 call does come in through the technical service	10:48:25	25 A. They -- there's -- there's multiple steps

13 (Pages 46 to 49)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 50		Page 52	
10:48:30	1 in the work flow, and STR kits are one piece of	10:50:22	1 team, did you bring those to attention of counsel?
10:48:36	2 that, so...	10:50:25	2 A. Yes.
10:48:38	3 Q. Okay. Now that I understand a little bit	10:50:25	3 Q. Okay. What are we talking about in terms
10:48:40	4 about -- more about these teams and about Siebel,	10:50:28	4 of amounts of e-mails?
10:48:43	5 let me ask you this question: Why did you go look	10:50:31	5 A. Five.
10:48:46	6 at entries on Siebel in preparation for this	10:50:32	6 Q. Okay.
10:48:47	7 deposition?	10:50:32	7 A. Six.
10:48:51	8 A. Because I wanted to be prepared to speak	10:50:33	8 Q. Okay. All right. Why don't we take a
10:48:54	9 intelligently about the topics that we were going to	10:50:37	9 five-minute break, if that's good for you.
10:48:58	10 be asked about.	10:50:39	10 A. Okay.
10:48:58	11 Q. Okay. And did that review, in your mind,	10:50:40	11 MR. CARROLL: Okay.
10:49:01	12 prepare you in that way?	10:50:40	12 THE VIDEOGRAPHER: Off the record. The
10:49:03	13 A. It did.	10:50:41	13 time is 10:50.
10:49:04	14 Q. Okay. Was there anything else you looked	10:50:43	14 (Brief recess.)
10:49:06	15 at to prepare?	11:01:35	15 THE VIDEOGRAPHER: We're back on the record
10:49:07	16 A. Some e-mails, yes.	11:01:47	16 at 11:01.
10:49:08	17 Q. Okay. And were those e-mails something	11:01:49	17 BY MR. CARROLL:
10:49:12	18 that had already been produced in discovery in this	11:01:50	18 Q. We were talking about your preparation for
10:49:15	19 case? If you know.	11:01:52	19 this deposition and some of the e-mails that you had
10:49:17	20 MS. JOHNSON: You can answer to the extent	11:01:55	20 looked at. The reporter has marked as Exhibit 2 an
10:49:19	21 you know.	11:02:01	21 e-mail, Bates stamped LIFE 002030 to 2031.
10:49:19	22 THE WITNESS: I've no idea.	11:02:08	22 (The document referred to was marked by the
10:49:21	23 BY MR. CARROLL:	23	reporter as Exhibit 2 for identification and is
10:49:21	24 Q. Okay. Were these your e-mails?	24	attached hereto.)
10:49:23	25 A. Some of them, yes.	11:02:09	25 ///
Page 51		Page 53	
10:49:24	1 Q. Were some of them some other people's	11:02:09	1 BY MR. CARROLL:
10:49:27	2 e-mails that didn't even relate to you? In other	11:02:09	2 Q. And if you could just have a look at that.
10:49:30	3 words, e-mails between two people that you're not	11:02:11	3 My question's going to be: Is this one of the
10:49:34	4 cc'd on any of the "re" lines or anything.	11:02:14	4 e-mails you looked at in preparation for this
10:49:36	5 A. Yes.	11:02:15	5 deposition?
10:49:36	6 Q. Okay. And how were those -- did you pick	11:02:16	6 A. Yes, it is.
10:49:39	7 those to review?	11:02:19	7 Q. Okay. Do you recall receiving this e-mail
10:49:41	8 A. Are you asking --	11:02:25	8 back in April of 2010?
10:49:44	9 Q. For preparation for the depo.	11:02:36	9 A. I recalled it when I saw that e-mail.
10:49:46	10 A. For preparation of this deposition, I also	11:02:39	10 Q. Just recently?
10:49:49	11 asked my team for any e-mails or documents that they	11:02:40	11 A. Yes.
10:49:55	12 had to help me prepare --	11:02:41	12 Q. You recalled that, in fact, you had seen
10:49:56	13 Q. Okay.	11:02:43	13 this before?
10:49:56	14 A. -- for this.	11:02:43	14 A. Yes.
10:49:57	15 Q. Okay. Did you search yourself your own	11:02:44	15 Q. Okay. Do you, as you sit here today,
10:50:02	16 records for your own e-mails in preparation for	11:02:49	16 recall what prompted you to get this e-mail since I
10:50:04	17 this?	11:02:53	17 think you testified Robert Rossi did not report to
10:50:05	18 A. Yes.	11:02:58	18 you?
10:50:05	19 Q. Okay. Did you find anything?	11:03:00	19 A. I'm sorry, restate the question.
10:50:09	20 A. I found e-mails.	11:03:02	20 Q. Sure.
10:50:11	21 What specifically?	11:03:02	21 If I understood from your testimony before,
10:50:12	22 Q. Did you give notice to counsel that you'd	11:03:04	22 that Robert Rossi did not report to you?
10:50:15	23 found these e-mails?	11:03:07	23 A. Does not.
10:50:17	24 A. I sent a copy of them to counsel, yes.	11:03:07	24 Q. Right. I'm just trying to understand,
10:50:19	25 Q. Okay. And what about these e-mails of your	11:03:11	25 then, why would he send you this e-mail back in

14 (Pages 50 to 53)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 54		Page 56	
11:03:13	1 April of 2010?	11:05:57	1 Q. Okay. Is Identifier as an STR kit, in
11:03:16	2 MS. JOHNSON: Object to the extent it calls	11:06:05	2 your view, human identification?
11:03:18	3 for speculation.	11:06:07	3 A. Yes.
11:03:18	4 You can answer if you know.	11:06:07	4 Q. Okay. And help me understand why.
11:03:20	5 THE WITNESS: Since I manage the support	11:06:10	5 A. Because it is a kit that was designed and
11:03:23	6 team, I'm often copied on sales e-mails.	11:06:15	6 developed and manufactured and validated and is
11:03:28	7 MR. CARROLL: Okay. I see.	11:06:20	7 promoted with a forensically-validated protocol that
11:03:30	8 Q. So, for example, if you read the -- I'm on	11:06:27	8 is implemented for the purpose of human
11:03:34	9 the first page, which is Bates stamp 2030 of Exhibit	11:06:31	9 identification.
11:03:40	10 I -- if you read the last full paragraph beginning:	11:06:31	10 Q. I see. Okay.
11:03:43	11 "They will also purchase the three day-training" --	11:06:34	11 So in a way, the Identifier's origin and
11:03:46	12 Do you see that paragraph?	11:06:39	12 how it was developed and what purpose it was gets it
11:03:46	13 A. Yes.	11:06:41	13 under that human identity title?
11:03:48	14 Q. -- would that be a function your group	11:06:44	14 A. Yes.
11:03:50	15 would do?	11:06:44	15 Q. Even if later on some customer's going to
11:03:51	16 A. If it's for human identification, yes.	11:06:48	16 use it for some other purpose?
11:03:55	17 Q. Okay. So help me understand this. The	11:06:50	17 A. Yes.
11:03:59	18 paragraph before the one we just talked about with	11:06:50	18 Q. I see. Okay. All right.
11:04:03	19 the "training" in it, the paragraph above that says:	11:06:54	19 So this e-mail, then, was kind of a
11:04:06	20 "Their application is for monitoring bone	11:07:00	20 heads-up to your group that there would be some kind
11:04:08	21 marrow transplants using STRs."	11:07:03	21 of responsibility in your group to get these people
11:04:10	22 Do you see that?	11:07:07	22 up and running?
11:04:11	23 A. I do.	11:07:08	23 A. Yes.
11:04:11	24 Q. Okay. So on the basis of that, who -- what	11:07:08	24 Q. Okay. Does your group train such a
11:04:14	25 group would be assigned the training that's referred	11:07:17	25 customer who's getting a new instrument on how to
Page 55		Page 57	
11:04:18	1 to in the second paragraph of Exhibit 2, at the	11:07:21	1 run the instrument?
11:04:21	2 bottom?	11:07:21	2 A. Yes.
11:04:22	3 A. My group. Again, if they used human	11:07:22	3 Q. Okay. Does your group also help train on
11:04:26	4 identification.	11:07:28	4 the actual protocols of carrying out the, say,
11:04:27	5 Q. Okay. I guess I'm having trouble	11:07:35	5 amplification of the STR kit?
11:04:30	6 understanding your -- your answer.	11:07:37	6 A. Sometimes, yes.
11:04:32	7 What do you mean "if they used human	11:07:38	7 Q. Okay. Now, in this particular case there's
11:04:34	8 identification"?	11:07:47	8 a discussion about a quote. I don't know if you see
11:04:36	9 A. If they -- this, in my understanding, this	11:07:51	9 that. Go ahead and look at that paragraph.
11:04:41	10 is a, what we call, shared lab, so they received a	11:07:53	10 A. I did.
11:04:47	11 quote for 3500 XL, and this is conversation about	11:07:54	11 Q. It says, "Danny" -- let me just tell you
11:04:54	12 what the customer plans to do with that instrument	11:07:58	12 where I am. About middle of the page under "good
11:05:02	13 and...	11:08:02	13 morning all," the paragraph beginning "I just
11:05:11	14 So Rob would be quoting or discussing they	11:08:04	14 wanted," on Bates stamp 2030, the second sentence,
11:05:15	15 will also purchase the three-day training, which	11:08:09	15 "Danny quoted this late last year."
11:05:18	16 will be very helpful since they will be starting	11:08:12	16 A. Yes.
11:05:20	17 from scratch. So if they're going to be using human	11:08:13	17 Q. Okay. What does that mean to you?
11:05:29	18 identification STR kits, then that is my team's	11:08:16	18 A. That means -- Danny is a sales
11:05:34	19 responsibility.	11:08:20	19 representative for human identification, and the
11:05:35	20 Q. Okay. Okay. So let's get our hands around	11:08:22	20 customer at some point must have requested a quote,
11:05:38	21 human identification.	11:08:27	21 a sales quote, how much does this instrument cost.
11:05:40	22 A. Okay.	11:08:31	22 Q. Okay. And those quotes are put out by
11:05:41	23 Q. In your world, in your business, are the	11:08:34	23 sales?
11:05:48	24 STR kits sold by LTI/ABI human identification?	11:08:34	24 A. Yes.
11:05:55	25 A. Some of them are, yes.	11:08:34	25 Q. Okay. And do those quotes, depending on

15 (Pages 54 to 57)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 58			Page 60		
11:08:39	1	the circumstance, adjust the price? If you know.	11:11:20	1	that the Stony Brook Health Sciences Center had not
11:08:44	2	A. I believe they do.	11:11:26	2	yet purchased the machine?
11:08:45	3	Q. Okay. Up to the point where you received	11:11:29	3	A. That would be my understanding, if they've
11:08:52	4	this e-mail in April of 2010, had you or your team	11:11:31	4	only been quoted an instrument.
11:08:56	5	had any contact with Stony Brook Health Sciences	11:11:33	5	Q. Okay. And the process works as follows:
11:09:01	6	Center?	11:11:39	6	That you quote an instrument, and then the customer
11:09:01	7	A. Not to my knowledge.	11:11:43	7	accepts it and sends a purchase order?
11:09:02	8	Q. Okay. From this e-mail, was it your	11:11:45	8	MS. JOHNSON: Again, to the extent that you
11:09:05	9	understanding that this was a new customer?	11:11:47	9	know.
11:09:08	10	A. Yes.	11:11:47	10	THE WITNESS: That's my understanding.
11:09:08	11	Q. Okay. Was this type of e-mail for a new	11:11:48	11	MR. CARROLL: Okay.
11:09:13	12	customer where you were going to share some	11:11:49	12	THE WITNESS: That would be -- yeah. I'm
11:09:16	13	responsibilities common in your business?	11:11:51	13	not a sales rep.
11:09:25	14	A. I don't know if I'd say common. It would	11:11:52	14	MR. CARROLL: Right. Okay.
11:09:29	15	be our habit, if a new customer was being quoted	11:11:53	15	Q. And in this case, then, the sales and now
11:09:33	16	something and there was conversation about what that	11:12:02	16	support team -- you -- were aware that LTI was going
11:09:37	17	application at that site was going to be, it would	11:12:07	17	to set up the Stony Brook Health Sciences Center so
11:09:41	18	be our habit to compose an e-mail or -- or call	11:12:13	18	that they could run STR kits to monitor bone marrow
11:09:46	19	folks to say here's what's going on in this	11:12:18	19	transplants?
11:09:51	20	potential site.	11:12:22	20	A. It's my understanding that this would be a
11:09:52	21	Q. Okay. Now, you said you had seen this	11:12:25	21	shared account, because it also says their
11:09:54	22	e-mail when you prepared.	11:12:29	22	application is for monitoring bone marrow
11:09:56	23	A. Yes.	11:12:32	23	transplants using STRs and may have additional
11:09:56	24	Q. Okay. This e-mail's from April of 2010.	11:12:35	24	applications once Dr. Allen Norin is on board.
11:10:01	25	Are there other e-mails you saw of this type where a	11:12:40	25	Q. Oh, I see.
Page 59			Page 61		
11:10:05	1	customer was going to get a machine and they knew	11:12:41	1	So you're saying there may be other things
11:10:10	2	ahead of time that the customer was going to use the	11:12:44	2	than just bone marrow transplant --
11:10:13	3	machine with STR kits to monitor bone marrow	11:12:46	3	A. Yes.
11:10:18	4	transplants?	11:12:46	4	Q. -- from that sentence?
11:10:19	5	A. Not that I recall.	11:12:47	5	Do you know who Dr. Allen Norin is?
11:10:19	6	Q. Okay. And when you say "not that I	11:12:50	6	A. I do not.
11:10:24	7	recall," that's in your preparation for this	11:12:51	7	Q. Okay. Without regard to whether other
11:10:26	8	deposition you didn't see anything like that?	11:12:57	8	applications may or may not have happened, are you
11:10:27	9	A. Correct.	11:13:00	9	aware of whether the instrument did, in fact, get
11:10:28	10	Q. Okay. How about in your just general	11:13:03	10	installed?
11:10:31	11	recollection of the period 2006 to present, do you	11:13:04	11	A. I am.
11:10:34	12	recall seeing other e-mails like that?	11:13:04	12	Q. And how do you know that?
11:10:39	13	A. Not specifically.	11:13:08	13	A. Because of my experience with the HLA FAS
11:10:41	14	Q. Okay. Would you agree in this case Robert	11:13:16	14	team.
11:10:50	15	Rossi is telling his colleagues at Life Tech what	11:13:16	15	Q. Okay. And are you aware whether the
11:10:57	16	Stony Brook Health Sciences Center is going to do	11:13:18	16	machine at Stony Brook Health Sciences Center is
11:11:01	17	with the machine even before they have the machine	11:13:21	17	being used today with STR kits for monitoring bone
11:11:05	18	or the kits?	11:13:25	18	marrow transplants?
11:11:06	19	MS. JOHNSON: Objection. Document speaks	11:13:27	19	A. I'm not -- I'm not aware that Stony Brook
11:11:07	20	for itself.	11:13:30	20	is using STR kits for bone marrow monitoring.
11:11:09	21	BY MR. CARROLL:	11:13:35	21	Q. Yourself?
11:11:10	22	Q. If you can answer.	11:13:35	22	A. If they are. Correct.
11:11:12	23	A. He appears to be communicating what he's	11:13:37	23	Q. Okay. Would one of your FAS people be
11:11:15	24	been told.	11:13:40	24	handling that account?
11:11:17	25	Q. And when you got this, did you understand	11:13:42	25	A. Yes.

16 (Pages 58 to 61)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 62			Page 64		
11:13:42	1	Q. And who would that be?	11:16:04	1	MS. JOHNSON: I'll object to the extent
11:13:43	2	A. Lisa Ortuno.	11:16:05	2	that it's beyond the scope of the deposition. I
11:13:46	3	Q. Okay. Are you aware as to whether the	11:16:08	3	think Mr. Hall will be better situated to answer the
11:13:51	4	Stony Brook Health Sciences Center is using STR kits	11:16:10	4	question. If she has knowledge, I'll allow her to
11:13:55	5	for another purpose?	11:16:12	5	answer in her personal capacity.
11:13:57	6	A. I am.	11:16:17	6	THE WITNESS: I work with Rob. I don't
11:13:57	7	Q. And what is that other purpose?	11:16:19	7	recall specifically talking about bone marrow
11:13:59	8	A. HLA.	11:16:24	8	laboratories with him.
11:14:01	9	Q. And how do you know that?	11:16:24	9	MR. CARROLL: Okay.
11:14:02	10	A. Because of my interactions with HLA FAS	11:16:28	10	Q. All right. Let's go back to the Exhibit 1.
11:14:07	11	team.	11:16:43	11	And you had talked about looking at e-mails in
11:14:07	12	Q. Okay. Now, you say the "HLA FAS team";	11:16:45	12	preparation for this deposition. Did you consult
11:14:11	13	that's not your team?	11:16:49	13	with anyone other than attorneys in preparation for
11:14:12	14	A. It is.	11:16:51	14	this deposition?
11:14:12	15	Q. Oh, it is your team?	11:16:55	15	A. Yes.
11:14:13	16	A. Yes.	11:16:55	16	Q. And who would that be?
11:14:13	17	Q. So you don't just do STRs?	11:16:56	17	A. Members of my team and colleagues in the
11:14:17	18	A. I manage a group of gentlemen that support	11:17:03	18	product group and colleagues on the sales team.
11:14:21	19	HLA technology.	11:17:08	19	Q. Okay. So we know your team.
11:14:22	20	Q. Okay. And how is that HLA technology	11:17:10	20	Now, who are the first group that you
11:14:26	21	performed? Is that PCR?	11:17:11	21	talked about, colleagues on the --
11:14:29	22	A. It is PCR, but it's a sequencing-based	11:17:13	22	A. -- product group --
11:14:33	23	application.	11:17:14	23	Q. Yes, what's that?
11:14:34	24	Q. Okay. And it doesn't use STR kits?	11:17:16	24	A. -- team. They're the team in Foster City
11:14:36	25	A. Correct.	11:17:21	25	that develops and manufactures the kits, so they
Page 63			Page 65		
11:14:37	1	Q. Okay. All right. Are you aware of any	11:17:24	1	have responsibility for the oversight of the human
11:14:39	2	other applications for STR kits at Stony Brook	11:17:28	2	identification product portfolio.
11:14:44	3	Health Sciences Center?	11:17:30	3	Q. Okay. Since you go there, let me take you
11:14:46	4	A. I'm not.	11:17:34	4	to what's been marked as Exhibit 1, and take you to
11:14:46	5	Q. Okay. Have you visited that customer?	11:17:40	5	paragraph -- the numbered paragraph -- 14. You
11:14:49	6	A. I have not.	11:17:47	6	mentioned Foster City as where the kits are
11:14:49	7	Q. Have your FAS people visited that customer?	11:17:50	7	manufactured?
11:14:53	8	A. No, they have not. I'm sorry, my HID FAS	11:17:53	8	A. Components of the kits are manufactured in
11:14:58	9	have not been in that lab.	11:17:56	9	Foster City.
11:15:00	10	Q. Okay. Now, just so I understand, these are	11:17:57	10	Q. And these are the STR kits?
11:15:02	11	five people. Are some of them -- under you -- are	11:17:58	11	A. Yes.
11:15:07	12	some of them HID FAS and some of them are HLA FAS?	11:18:02	12	Q. Okay. What components? If you know.
11:15:12	13	A. The five that we've discussed are all	11:18:04	13	A. The allelic ladders.
11:15:15	14	dedicated human identification FAS.	11:18:09	14	Allelic is a-l-l-e-l-i-c.
11:15:19	15	Q. Okay. So you have another team for HLA?	11:18:10	15	Q. What about the primers and the other
11:15:22	16	A. We're all one team, but yes, I have three	11:18:15	16	reagents for the amplification?
11:15:27	17	gentlemen that are assigned to support HLA	11:18:18	17	A. Where they're manufactured?
11:15:30	18	applications.	11:18:19	18	Q. Right.
11:15:31	19	Q. I see. Okay. Got it.	11:18:20	19	A. In Warrington, England.
11:15:33	20	Have you interacted directly with Robert	11:18:28	20	Q. How do you spell --
11:15:43	21	Rossi at any time in your work at LTI?	11:18:28	21	THE REPORTER: I lived next to there.
11:15:46	22	A. Yes.	11:18:33	22	THE WITNESS: We'll use Philip, then.
11:15:47	23	Q. And does that give you knowledge as to his	11:18:35	23	BY MR. CARROLL:
11:15:53	24	interaction with clients who use STR kits for bone	11:18:35	24	Q. So for the sale of an STR kit in the United
11:16:00	25	marrow -- bone marrow transplant monitoring?	11:18:39	25	States, components are coming in from England?

17 (Pages 62 to 65)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 66			Page 68		
11:18:43	1	A. Yes.	11:21:14	1	Q. So that's the final configuration of the
11:18:43	2	Q. For all STR kits?	11:21:16	2	kit? The box is sealed, nothing more is going to go
11:18:48	3	A. For all AmpFLSTR, for all human	11:21:20	3	into the kit? It's going to come out of Foster City
11:18:50	4	identification STR kits, yes.	11:21:23	4	and go to a client, go to a customer?
11:18:53	5	Q. Okay. So just so we have a list, going to	11:21:26	5	A. No. And I'm not certain there -- all of
11:18:56	6	paragraph 3 on page 3 of what's been marked Exhibit	11:21:30	6	these varieties of AmpFLSTR kits are assembled in
11:19:01	7	1 --	11:21:36	7	Foster City. They may be assembled in Warrington.
11:19:03	8	A. Yes.	11:21:39	8	Q. Oh, really?
11:19:03	9	Q. -- there's a list of kits: Profiler,	11:21:39	9	A. Yes.
11:19:07	10	Cofiler, Xfiler (sic). And then it looks like	11:21:40	10	Q. Okay. So some complete kits may be shipped
11:19:11	11	Identifier has been misspelled. I apologize.	11:21:44	11	out of England to a customer?
11:19:14	12	For those four kits, you're familiar with	11:21:46	12	A. They would be shipped to a warehouse in the
11:19:17	13	those?	11:21:49	13	States, and from there be shipped to a customer.
11:19:17	14	A. Yfiler is a kit, Xfiler is not a kit.	11:21:53	14	Q. Okay. So let's say I'm a customer in
11:19:23	15	Q. Did I say "X"?	11:21:57	15	Germany.
11:19:24	16	A. I believe you said "X."	11:21:58	16	A. Okay.
11:19:25	17	Q. I apologize.	11:21:58	17	Q. Would I ever get a kit directly from
11:19:26	18	A. So Identifier, Profiler, Cofiler and	11:22:01	18	England, or would it go to this warehouse in the
11:19:30	19	Yfiler are all kits.	11:22:06	19	United States and then back out?
11:19:32	20	Q. Okay.	11:22:07	20	A. I'm only able to speak to the U.S. shipping
11:19:33	21	A. Yes.	11:22:10	21	and manufacturing.
11:19:33	22	Q. And coming back now to this discussion	11:22:11	22	Q. Okay. So for -- or how about Canada,
11:19:37	23	about components coming from England --	11:22:15	23	that's one of your areas?
11:19:38	24	A. Yes.	11:22:16	24	A. Yes.
11:19:39	25	Q. -- do components come from England for	11:22:16	25	Q. So if I'm -- if I'm in Montreal --
Page 67			Page 69		
11:19:41	1	those four kits that are in paragraph 3 of Exhibit	11:22:19	1	A. Okay.
11:19:44	2	1?	11:22:19	2	Q. -- and I order an STR kit --
11:19:44	3	A. Yes.	11:22:21	3	A. Yes.
11:19:45	4	Q. And how do you know that?	11:22:21	4	Q. -- I may very well have components from
11:19:50	5	A. Through my interactions with the product	11:22:24	5	that kit come from England?
11:19:53	6	group and past troubleshooting situations.	11:22:26	6	A. Yes.
11:19:57	7	Q. Okay. Is there a technical reason for why	11:22:26	7	Q. But it will be assembled in the -- it will
11:20:01	8	components are coming from outside the country and	11:22:30	8	be warehoused, sorry, in the United States and
11:20:04	9	not from Foster City where the other components are	11:22:31	9	shipped to me from that warehouse?
11:20:07	10	coming from?	11:22:33	10	A. Correct.
11:20:11	11	A. I would believe that it's more of a --	11:22:33	11	Q. To Montreal?
11:20:22	12	geographical and capacity. Foster City, California	11:22:34	12	A. Yes.
11:20:27	13	is on a fault, and so some of our critical	11:22:35	13	Q. Okay. And how do you know this?
11:20:33	14	components are manufactured in another part of the	11:22:37	14	A. Again, from interaction with the product
11:20:36	15	world in cases of mass disaster or acts of God so	11:22:40	15	group and in the past troubleshooting situations, in
11:20:43	16	that we can maintain product supply and ramp up if	11:22:44	16	the past managing of supply during mass disasters.
11:20:50	17	need to. So I'm not sure that's a technical reason,	11:22:48	17	Q. Okay. Since we've been talking about the
11:20:53	18	but I know that that thought process went into that	11:22:51	18	groups in paragraph 3 of Exhibit 1, why don't we
11:20:58	19	decision.	11:22:55	19	finish off paragraph 3, which is to ask you: In
11:20:58	20	Q. Okay. Now, where are the -- where's the	11:23:00	20	preparation for this deposition, did you do anything
11:21:03	21	final kit assembled? If the components are coming	11:23:06	21	to prepare you to answer questions about the topic
11:21:06	22	in from England, components from Foster City, where	11:23:11	22	of paragraph 3 of Exhibit 1?
11:21:09	23	do they get assembled and put into a box that we	11:23:14	23	MS. JOHNSON: Anything different than what
11:21:12	24	call an STR kit?	11:23:16	24	she's already testified to generally or --
11:21:13	25	A. In Foster City.	11:23:18	25	MR. CARROLL: Sure.

18 (Pages 66 to 69)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 70		Page 72	
11:23:18	1 THE WITNESS: No, nothing in addition to	11:26:09	1 transplantation monitoring.
11:23:20	2 what we've -- I've already testified to.	11:26:09	2 BY MR. CARROLL:
11:23:24	3 MR. CARROLL: Okay.	11:26:13	3 Q. So you mentioned earlier that part of your
11:23:26	4 Q. Does your team maintain published	11:26:15	4 duties are to organize events maybe where you're
11:23:33	5 scientific literature with regard to the use of the	11:26:19	5 going to do a booth --
11:23:40	6 STR kits specified in paragraph 3 for bone marrow	11:26:21	6 A. Yes.
11:23:45	7 transplantation monitoring?	11:26:21	7 Q. -- at a show, and somebody comes up to the
11:23:46	8 A. No.	11:26:25	8 booth and says I'm a clinical lab and I've -- I've
11:23:47	9 Q. Do you know whether anyone at Life Tech	11:26:30	9 seen in the literature you can use STR kits for bone
11:23:53	10 maintains a published literature database or even	11:26:34	10 marrow transplant monitoring. What do you say to
11:24:00	11 informal library of such publications?	11:26:39	11 the customer?
11:24:07	12 A. Not that I'm aware of.	11:26:39	12 A. I would say that AmpFLSTR kits are for
11:24:09	13 Q. Have you ever seen a published literature,	11:26:42	13 research, forensic, paternity use only. If you've
11:24:14	14 scientific literature, which describes the use of	11:26:49	14 seen it in the literature, you know, you might reach
11:24:20	15 any of the four kits listed in paragraph 3 for the	11:26:52	15 out to others in your community.
11:24:25	16 use of bone marrow transplant monitoring?	11:26:54	16 Q. Do you turn them away?
11:24:27	17 A. Yes.	11:26:57	17 A. Not if they own our equipment. They're our
11:24:27	18 Q. And how have you seen that, under what	11:27:02	18 customer.
11:24:31	19 circumstances?	11:27:02	19 Q. Okay. So if they haven't yet purchased one
11:24:35	20 A. I'm a scientist and I read scientific	11:27:06	20 of LTI's machines, like a 3130 or 3500, but they're
11:24:38	21 journals.	11:27:15	21 interested for the purpose I just mentioned, bone
11:24:39	22 Q. Okay. So you know this happens?	11:27:17	22 marrow, and they come up to your booth, what's the
11:24:42	23 A. Yes.	11:27:21	23 policy? How do you handle them?
11:24:43	24 Q. Okay. And speaking now as the corporation,	11:27:25	24 A. I would talk to them about the instrument
11:24:49	25 the corporation knows this happens?	11:27:28	25 since the instrument is used for variety of -- wide
Page 71		Page 73	
11:24:54	1 A. Yes.	11:27:33	1 array of applications. I would show them the
11:24:55	2 Q. The corporation --	11:27:38	2 instrument. I certainly wouldn't turn them away.
11:24:56	3 A. It's published. If it's in the published	11:27:40	3 Q. Why wouldn't you tell them that you know
11:25:00	4 literature, yes.	11:27:41	4 that it's done in the literature and that you have
11:25:01	5 Q. So it's fair to say that Life Tech	11:27:44	5 other customers that use it for bone marrow and so
11:25:03	6 Corporation knows that some of the customers are	11:27:47	6 you could help them?
11:25:09	7 using one or more of the kits named in paragraph 3	11:27:52	7 A. I'm not sure how to answer that question.
11:25:13	8 for bone marrow transplant monitoring?	11:27:56	8 Why wouldn't I? Because it's for research,
11:25:17	9 A. Yes.	11:27:59	9 forensics, paternity use only.
11:25:17	10 Q. Okay. Is there any policy that you know of	11:28:02	10 Q. Is there a penalty for making a sale or
11:25:22	11 at Life Tech with regard to promoting the use of any	11:28:06	11 assisting someone to purchase an STR kit for use in
11:25:29	12 of those four kits for bone marrow transplant	11:28:12	12 bone marrow transplantation monitoring?
11:25:33	13 monitoring?	11:28:14	13 A. Not --
11:25:35	14 A. Yes.	11:28:14	14 MS. JOHNSON: Object to the -- object to
11:25:35	15 MS. JOHNSON: Object to the extent it goes	11:28:16	15 the form.
11:25:37	16 beyond the scope of the deposition.	11:28:16	16 You can answer to the extent that you --
11:25:38	17 She can answer if she has knowledge.	11:28:18	17 that you understand the question.
11:25:41	18 Again, it sounds to me like a sales question that	11:28:19	18 THE WITNESS: Not to my knowledge. There's
11:25:44	19 may be more appropriately posed to Mr. Hall. But to	11:28:23	19 not a punishment.
11:25:47	20 the extent she has knowledge, she can answer.	11:28:24	20 MR. CARROLL: Okay.
11:25:49	21 THE WITNESS: These -- these four kits	11:28:24	21 Q. Do clinical labs validate their labs for
11:25:50	22 listed are for research, forensic and paternity use	11:28:28	22 the use of STR kits for bone marrow transplant
11:25:56	23 only, and whether that's a policy or obeying a	11:28:33	23 monitoring?
11:26:01	24 licensing or a patent agreement, that is well-known.	11:28:34	24 A. I do not know.
11:26:06	25 And these products are not promoted for bone marrow	11:28:35	25 MS. JOHNSON: Objection. Objection.

19 (Pages 70 to 73)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 74		Page 76	
11:28:36	1 Beyond the scope.	11:31:03	1 forensic, research, paternity patents. Again, it
11:28:37	2 BY MR. CARROLL:	11:31:20	2 goes to the -- to the whole work flow. There's --
11:28:37	3 Q. Do you know?	11:31:23	3 there's an entire system of instruments and
11:28:37	4 A. I don't know.	11:31:28	4 equipment and software and reagents and consumables
11:28:38	5 Q. Okay. Have you had, in fact, people	11:31:33	5 that are required for applications, period. And so
11:28:45	6 approach you at an event, a show at a booth, and	11:31:39	6 as customer support and as sales, we can assist
11:28:49	7 request assistance as to how to use STR kits for	11:31:44	7 customers across that spectrum with portfolio
11:28:52	8 bone marrow transplant monitoring?	11:31:49	8 products that we offer.
11:28:54	9 A. At a booth, no.	11:31:50	9 MR. CARROLL: Okay.
11:28:57	10 Q. At a show?	11:31:51	10 Q. But you started the sentence "we're aware
11:28:58	11 A. No.	11:31:53	11 of the research, forensic," and I think you said
11:28:58	12 Q. At a road show?	11:32:00	12 "patent" and then you stopped.
11:29:00	13 A. Not that I recall, no.	11:32:01	13 A. Okay.
11:29:02	14 Q. No event?	11:32:01	14 Q. What were you -- what were you referring
11:29:04	15 A. No.	11:32:04	15 to? What were you aware of?
11:29:04	16 Q. Have they approached your FAS team?	11:32:05	16 A. All of our literature, all of our website,
11:29:07	17 MS. JOHNSON: At an event or road show	11:32:10	17 all of our validated protocols, at the end of every
11:29:10	18 or --	11:32:14	18 presentation that we give, we're required to publish
11:29:10	19 MR. CARROLL: Uh-huh.	11:32:19	19 or document or put up on the screen -- I understand
11:29:13	20 THE WITNESS: Not to my knowledge at an	11:32:26	20 it to be a patent or a licensing agreement that the
11:29:16	21 event or a road show.	11:32:32	21 AmpFLSTR kits are licensed for use for research,
11:29:17	22 BY MR. CARROLL:	11:32:35	22 forensic and paternity use.
11:29:18	23 Q. How -- how, then, would your FAS team	11:32:40	23 Q. And not for clinical use?
11:29:25	24 otherwise come in contact with customers other than	11:32:42	24 A. Define "clinical use."
11:29:27	25 road shows, events, expositions?	11:32:43	25 Q. Well, I'll let you. I mean --
Page 75		Page 77	
11:29:34	1 A. If -- if they call our dedicated lines or	11:32:49	1 A. It's up to someone else to define.
11:29:38	2 if they e-mail us.	11:32:51	2 Q. Is bone marrow -- in the group that you
11:29:39	3 Q. All right. So let's go to a call.	11:32:54	3 just said, research, forensic, paternity, does use
11:29:42	4 A. Okay.	11:32:58	4 of STR kits for bone marrow transplant monitoring
11:29:43	5 Q. An inquiry about using -- about buying a	11:33:02	5 fit into research, forensics and paternity, in your
11:29:48	6 machine and using STR kits for bone marrow	11:33:07	6 mind?
11:29:52	7 transplant monitoring, how does your team handle	11:33:07	7 MS. JOHNSON: Objection. Beyond the scope.
11:29:56	8 such a call?	11:33:09	8 Again, she would be answering as to her personal
11:29:59	9 A. So we would ask for their contact	11:33:11	9 opinion, but not on behalf of the corporation and
11:30:02	10 information, of course, and ask them what their	11:33:13	10 not in a 30 (b)(6) capacity.
11:30:07	11 application would be, any existing equipment that	11:33:15	11 THE WITNESS: So do I answer?
11:30:11	12 they already have, any existing experience with	11:33:16	12 MS. JOHNSON: If you have a personal
11:30:16	13 sequencing or fragment analysis, try to talk to them	11:33:19	13 belief.
11:30:23	14 about throughput, and pass that information to the	11:33:19	14 THE WITNESS: Okay. Michelle believes that
11:30:28	15 sales team.	11:33:26	15 a bone marrow transplantation monitoring where
11:30:29	16 Q. Okay. And then, if you know, is the sales	11:33:30	16 you've got a patient sample and a donor sample and
11:30:34	17 team under Life Tech policy permitted to assist that	11:33:34	17 there is a diagnosis made from, that that would be
11:30:42	18 customer in getting up and running to do STR testing	11:33:41	18 clinical.
11:30:48	19 for bone marrow transplant monitoring?	11:33:41	19 BY MR. CARROLL:
11:30:50	20 MS. JOHNSON: Again, if she knows I'll	11:33:42	20 Q. And would not be forensic?
11:30:52	21 allow her to answer, but I want to make it clear	11:33:43	21 A. Would not be forensic.
11:30:53	22 that she's not designated on that topic, Mr. Hall	11:33:44	22 Q. Would not be paternity?
11:30:57	23 is, so her response would not be on behalf of the	11:33:46	23 A. Would not be paternity.
11:31:00	24 corporation.	11:33:47	24 Q. And would not be research?
11:31:01	25 THE WITNESS: We are all aware of the	11:33:49	25 A. Would not be research.

20 (Pages 74 to 77)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 78			Page 80		
11:33:51	1	Q. Okay. Let's go to another one of the four	11:36:54	1	Q. Requiring people who ask for grants now to
11:33:56	2	applications that we talked about in paragraph 1.	11:36:58	2	authenticate their cell lines that they're going to
11:33:59	3	A. Yes.	11:37:01	3	use in the grant.
11:33:59	4	Q. Only, let's go to one of the specific	11:37:02	4	A. I have heard that. I don't know to the
11:34:02	5	topics. You mentioned cell authentication, so let's	11:37:05	5	extent that they're demanding it for receipt of a
11:34:07	6	go to paragraph 7, still on page 3 there.	11:37:09	6	grant.
11:34:10	7	A. Okay.	11:37:10	7	Q. Okay. In any event, for that purpose of
11:34:10	8	Q. While we're there we might as well hit	11:37:14	8	simply saying this is, in fact, the liver cell line
11:34:12	9	another bird with the stone, I guess. Not a good	11:37:19	9	that I'm saying it is --
11:34:16	10	saying, by the way.	11:37:20	10	A. Yes.
11:34:17	11	Are you familiar with this topic?	11:37:20	11	Q. -- are you familiar with STR testing in
11:34:23	12	A. Somewhat, yes.	11:37:23	12	that regard?
11:34:25	13	Q. Okay. Do you know whether Life Tech sells	11:37:24	13	A. I've heard of labs that do that, yes.
11:34:30	14	STR kits, of the four that are mentioned there, for	11:37:26	14	Q. Okay. And is that human identity
11:34:38	15	cell authentication, which would include stem cell	11:37:30	15	testing --
11:34:42	16	culture authentication?	11:37:30	16	A. Yes.
11:34:44	17	A. When you say sell kits, if I may, we -- we	11:37:31	17	Q. -- in your mind?
11:34:50	18	sell these kits for the purpose of human	11:37:33	18	Are you speaking for yourself or the
11:34:54	19	identification, and identifying a cell line,	11:37:35	19	corporation?
11:34:59	20	comparing an unknown sorts to a known to say could	11:37:39	20	A. I believe the corporation would agree with
11:35:04	21	this individual be the contributor of this sample,	11:37:40	21	me that you're identifying human DNA.
11:35:08	22	is human identification. So these kits were	11:37:46	22	Q. Right. Are you seeking to determine the
11:35:12	23	designed for that purpose. And there are validated	11:37:49	23	human that's associated with that cell line?
11:35:18	24	protocols that are publicly available on the web and	11:37:54	24	MS. JOHNSON: Object to the extent it's
11:35:24	25	in our literature. And they're everywhere, in	11:37:55	25	beyond the scope of the notice.
Page 79			Page 81		
11:35:27	1	scientific journals.	11:37:58	1	BY MR. CARROLL:
11:35:31	2	Q. Are you aware of cell authentication where	11:37:59	2	Q. If you can answer.
11:35:35	3	what information is sought is simply whether the	11:38:00	3	MS. JOHNSON: And she's answering in her
11:35:41	4	cell line I thought I had, say something I cloned	11:38:01	4	personal capacity, if she can.
11:35:48	5	from a liver, is, in fact, after many passages in	11:38:04	5	THE WITNESS: You're comparing an unknown
11:35:55	6	the culture dish still my liver cell line? Is that	11:38:06	6	to a known to see if they're the same thing, and
11:36:00	7	cell line authentication? Is that within the title	11:38:11	7	it's human DNA, so that's human identification.
11:36:03	8	of cell authentication?	11:38:14	8	MR. CARROLL: Okay.
11:36:04	9	A. In my understanding, yes.	11:38:16	9	Q. Moving to paragraph 8. This is another one
11:36:06	10	Q. Okay. And in that case, the person isn't	11:38:18	10	of the four that we talked about.
11:36:09	11	sought to be identified; right?	11:38:19	11	A. Okay.
11:36:15	12	A. The profile of the individual. You're	11:38:20	12	Q. Okay? And paragraph 8 mentions again four
11:36:20	13	identifying human DNA.	11:38:23	13	specific kits. Are you familiar with this topic?
11:36:22	14	Q. Right. Right. But my question is: You	11:38:26	14	A. Yes.
11:36:26	15	know, the person who gave me the liver is long gone.	11:38:26	15	Q. Okay. Does Life Tech sell STR kits to
11:36:30	16	I just want to know: Is my liver cell line still my	11:38:31	16	customers for clinical sample misidentification?
11:36:33	17	liver cell line so I can represent that, for	11:38:36	17	A. Again, we sell our kits and customers do a
11:36:36	18	example, to the NIH? Are you familiar with that	11:38:40	18	variety of things with those kits.
11:36:39	19	situation?	11:38:42	19	Q. Okay. Are you aware of some customers of
11:36:39	20	A. Yes.	11:38:44	20	LTI that do clinical sample misidentification
11:36:39	21	Q. In fact, are you familiar with the NIH now	11:38:48	21	testing with the four kits in paragraph 8?
11:36:43	22	is demanding this kind of verification for grants?	11:38:51	22	A. I have heard of labs that do that. I do
11:36:47	23	I don't know if you know that.	11:38:55	23	not know specifically if they're with those four
11:36:48	24	A. So your question is: Am I familiar with	11:38:57	24	kits.
11:36:53	25	the NIH doing what?	11:38:58	25	Q. Okay. Have you heard this through your FAS

21 (Pages 78 to 81)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 82		Page 84	
11:39:03	1 or support people?	11:41:34	1 8, are your FAS people allowed to do that?
11:39:07	2 A. Yes.	11:41:39	2 A. We would tell them that we are the human
11:39:08	3 Q. Have they had occasion to go to a lab and	11:41:43	3 identification group and we are well-versed and our
11:39:13	4 report back to you on this type of use?	11:41:46	4 expertise is in forensically-validated protocols,
11:39:17	5 A. Not to my knowledge.	11:41:50	5 and we will show them how to use these kits in our
11:39:18	6 Q. Okay. How frequently do your FAS people	11:41:53	6 work flow using that validated protocol.
11:39:21	7 actually visit a customer onsite?	11:41:57	7 Q. And if the customer says, well, you know, I
11:39:25	8 A. Ninety-five percent of the time.	11:41:59	8 really want to make sure this goes right, have you
11:39:28	9 Q. Oh, they do?	11:42:02	9 got any experience in your team helping a lab do the
11:39:29	10 A. Yes.	11:42:09	10 application in paragraph 8, what do you answer?
11:39:29	11 Q. Okay. And is it fair to say in the course	11:42:13	11 MS. JOHNSON: Object to the extent it calls
11:39:33	12 of those visits they find out what use the	11:42:14	12 for speculation.
11:39:37	13 customer's putting to the STR kits?	11:42:17	13 You may answer if you -- if you can.
11:39:40	14 A. Sometimes.	11:42:20	14 THE WITNESS: Again, I would tell them --
11:39:41	15 Q. Okay. If a troubleshooting situation	11:42:23	15 we would tell them we're forensic scientists and we
11:39:47	16 arises for a particular application, isn't it	11:42:27	16 will show you the use of these kits in an optimized
11:39:53	17 necessary for the FAS to know the application to	11:42:31	17 forensic protocol.
11:39:56	18 troubleshoot it?	11:42:32	18 BY MR. CARROLL:
11:39:58	19 A. Not always.	11:42:33	19 Q. Is there a problem with telling them that
11:40:01	20 Q. So might just be the machine messing up?	11:42:39	20 you've done it for other customers and you could
11:40:04	21 A. Exactly.	11:42:41	21 certainly do it for them? Are you not permitted to
11:40:05	22 Q. That's what you're thinking?	11:42:45	22 say that?
11:40:06	23 A. Exactly.	11:42:45	23 MS. JOHNSON: Object to the extent it
11:40:07	24 Q. Okay. If -- if a customer does not have	11:42:47	24 assumes facts not in evidence.
11:40:10	25 familiarity with a new use, they've used the machine	11:42:49	25 THE WITNESS: I'm not sure how to answer
Page 83		Page 85	
11:40:16	1 for some other purpose, sequencing --	11:42:53	1 that question.
11:40:19	2 A. Okay.	11:42:53	2 BY MR. CARROLL:
11:40:20	3 Q. -- does your FAS team assist in training	11:42:55	3 Q. I mean, I'm not a sales guy, but it's my
11:40:25	4 that customer for the new use?	11:42:57	4 understanding that when you've got a customer there
11:40:27	5 A. Yes.	11:42:59	5 who's already buying for one use and wants a new
11:40:28	6 Q. Okay. And would this new use cover what's	11:43:02	6 use, that it would behoove you to convince them that
11:40:32	7 in paragraph 8 of Exhibit 1?	11:43:07	7 you can help them with the new use. Are you
11:40:37	8 MS. JOHNSON: Are you asking has it	11:43:09	8 permitted to do that with all new uses, or are you
11:40:40	9 covered, or is it a hypothetical question?	11:43:13	9 bound by this research, forensic, paternity
11:40:42	10 MR. CARROLL: Yes.	11:43:17	10 limitation to tell them well, that's off limits?
11:40:43	11 Q. Would they hypothetically, if somebody	11:43:26	11 A. We're bound to tell them that the kits are
11:40:45	12 wanted to do this, would they -- would that be some	11:43:30	12 FRU only, and that we have the expertise to train
11:40:48	13 of their -- that would be part of their task?	11:43:34	13 them in HID.
11:40:50	14 A. If a customer wants to use these four kits,	11:43:38	14 Q. Okay. But beyond that you can't say we can
11:40:53	15 we would train them on the validated human	11:43:42	15 help you with non-research, forensic or paternity
11:40:56	16 identification protocol.	11:43:47	16 applications? Can you say that to a customer?
11:40:58	17 Q. Okay. And if they had not ever used it for	11:43:52	17 A. We would not promote the kits that way.
11:41:02	18 sample misidentification, your FAS team could teach	11:43:55	18 Q. Okay. But say you didn't promote it, they
11:41:09	19 them how to apply it to that?	11:43:57	19 came to you --
11:41:11	20 A. We could teach them how to use these kits	11:43:58	20 A. Okay.
11:41:15	21 within the forensically validated work flow, and	11:43:59	21 Q. -- can you say we can help you with
11:41:19	22 then what that customer does with that chemistry	11:44:01	22 nonresearch, nonforensic, nonpaternity applications?
11:41:23	23 once we walk out the door is up to that customer.	11:44:07	23 A. We're going to seek to assist our customers
11:41:26	24 Q. Okay. And if a customer specifically asks	11:44:10	24 using the validated protocol within our area of
11:41:30	25 you to train them for the application in paragraph	11:44:16	25 expertise.

22 (Pages 82 to 85)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 86		Page 88	
11:44:17	1 Q. And so you can't say to them I can assist	11:46:55	1 (Brief recess.)
11:44:23	2 you with something outside research, forensics and	11:59:44	2 THE VIDEOGRAPHER: We're back on the
11:44:26	3 paternity? You can't say that specifically to a	12:00:06	3 record. This marks the beginning of Volume I, Tape
11:44:30	4 customer?	12:00:09	4 No. 2, in the 30 (b)(6) deposition of Michelle
11:44:30	5 MS. JOHNSON: Asked and answered.	12:00:13	5 Shepherd. Time is twelve o'clock.
11:44:36	6 You can answer.	12:00:13	6 MS. JOHNSON: Counsel, before we start,
11:44:37	7 THE WITNESS: Okay.	12:00:15	7 just a housekeeping matter, we'll designate the
11:44:39	8 MS. JOHNSON: Sorry.	12:00:18	8 entire transcript for now as attorney's eyes only
11:44:39	9 THE WITNESS: I'm confused.	12:00:22	9 and obviously work that out later.
11:44:40	10 MS. JOHNSON: Sorry. You can answer.	12:00:24	10 MR. CARROLL: That's fine.
11:44:41	11 Sorry.	12:00:26	11 Q. Okay. We've been looking at what's been
11:44:42	12 THE WITNESS: Can we back up, ask -- so I	12:00:28	12 marked Exhibit 1. Let's turn to paragraphs 42
11:44:47	13 can't say -- you're asking me --	12:00:45	13 and -- paragraphs 42 onward, all the way to the end
11:44:50	14 MR. CARROLL: Yes or no.	12:00:50	14 to 91, refer to any and all documents; do you see
11:44:50	15 Q. Can you say to somebody who's asking for	12:00:53	15 that?
11:44:54	16 something outside research, forensics, paternity,	12:00:53	16 A. I do.
11:44:58	17 can you say affirmatively we can help you with that	12:00:54	17 Q. Okay. Did you have occasion to read these
11:45:01	18 application specifically that's outside that group,	12:00:57	18 paragraphs in preparation for this deposition?
11:45:05	19 we can help you with that?	12:00:59	19 A. I did.
11:45:09	20 A. I would say to that customer there	12:01:00	20 Q. Did you seek out documents that would fit
11:45:15	21 are these kits available and validated forensic	12:01:06	21 within the categories of paragraphs 42 to 91?
11:45:19	22 protocols that are used globally by human	12:01:53	22 A. Did you say 42 to 91?
11:45:23	23 identification labs and my area of expertise is to	12:01:56	23 Q. Correct.
11:45:29	24 train you in the use of that product in this work	12:01:57	24 A. Okay. With regard to paragraphs 42 through
11:45:31	25 flow.	12:02:15	25 66, yes, as they relate to human identity tech
Page 87		Page 89	
11:45:34	1 Q. And if they said well, I'm not interested	12:02:23	1 support. Paragraph 67 changes verbiage. It states:
11:45:38	2 in forensic research or paternity, I'm interested in	12:02:35	2 "Any and all documents related to any and all
11:45:41	3 the application of paragraph 8, what do you do? Do	12:02:39	3 in-house or onsite testing, including
11:45:47	4 you walk out?	12:02:43	4 troubleshooting, tests," and I did not -- I would
11:45:48	5 A. No. Specifically for paragraph 8, again,	12:02:55	5 not have access to any and all documents related to
11:45:54	6 that's human identification of comparing a sample	12:03:00	6 any and all in-house and onsite testing at these
11:46:00	7 over here to a sample over here to see if they're of	12:03:05	7 sites.
11:46:04	8 the same origin.	12:03:06	8 Q. Okay. Who would?
11:46:04	9 Q. And if it's checking on a biopsy and the	12:03:09	9 A. Could you clarify what that's asking for?
11:46:17	10 patient's known and they just want to make sure when	12:03:13	10 Q. Sure. Sure. Okay.
11:46:20	11 they report out the results of the biopsy that there	12:03:14	11 So let's -- what we'll do, I'm going to
11:46:23	12 wasn't a slip-up, is that research, forensics or	12:03:17	12 come right back to 68, but let's just kind of clean
11:46:28	13 paternity?	12:03:21	13 up the record on the first part. Is that okay?
11:46:29	14 MS. JOHNSON: Again, object to the extent	12:03:23	14 A. Yes.
11:46:31	15 it goes beyond the scope of the deposition, the	12:03:24	15 Q. So from 42 to 67, is it your testimony that
11:46:34	16 topics.	12:03:31	16 prior to this deposition you sought out documents
11:46:34	17 But it will be her personal answer, not the	12:03:34	17 that would fit those topics?
11:46:38	18 corporate answer.	12:03:39	18 A. With respect to human identification
11:46:39	19 THE WITNESS: That's human identification.	12:03:42	19 contact, yes.
11:46:40	20 You're seeking to identify if a tissue or a cell	12:03:44	20 Q. The last word was "contact"?
11:46:46	21 came from an individual.	12:03:47	21 A. Yes.
11:46:47	22 MR. CARROLL: Okay. All right. Why don't	12:03:47	22 Q. And what did you mean by that?
11:46:50	23 we take a five-minute break.	12:03:50	23 A. With respect to calls or requests that have
11:46:52	24 THE VIDEOGRAPHER: Off the record. The	12:03:53	24 come into the human identification group, support.
11:46:54	25 time is 11:46.	12:04:00	25 Q. So your group?

23 (Pages 86 to 89)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 90			Page 92		
12:04:00	1	A. Yes.	12:06:08	1	MS. JOHNSON: With respect to paragraph 42
12:04:01	2	Q. Okay.	12:06:10	2	or --
12:04:02	3	A. My group.	12:06:11	3	MR. CARROLL: Right. In this search that
12:04:02	4	Q. What about those calls to the technical	12:06:13	4	she did with respect to 42, were documents
12:04:04	5	service center that didn't go directly to your	12:06:16	5	identified.
12:04:09	6	group?	12:06:17	6	THE WITNESS: I don't recall specifically
12:04:09	7	A. I -- I did not seek those out.	12:06:20	7	about Johns Hopkins.
12:04:13	8	Q. Okay. Could those be sought out?	12:06:22	8	MR. CARROLL: Okay.
12:04:16	9	A. I would assume so, yes.	12:06:24	9	Q. What about paragraph 43?
12:04:17	10	Q. Okay. Is there somebody who heads up	12:06:26	10	A. Again, I don't have committed to memory
12:04:20	11	technical -- the technical service center that would	12:06:30	11	each of the accounts and what the content of those
12:04:23	12	be the right person?	12:06:35	12	inquires was.
12:04:24	13	A. Paul Galgano.	12:06:35	13	Q. Okay. So Ms. Bishop, is that who did the
12:04:25	14	Q. Okay. Now, he's been named twice; right?	12:06:40	14	search?
12:04:29	15	You named him in the applications technical support	12:06:40	15	A. Yes.
12:04:33	16	team?	12:06:40	16	Q. Okay. She did the search in this
12:04:33	17	A. Yes.	12:06:43	17	institution-specific way?
12:04:33	18	Q. And this technical service center?	12:06:45	18	A. Yes.
12:04:36	19	A. Yes.	12:06:45	19	Q. And she had a result?
12:04:37	20	Q. Okay. So he's knowledgeable about both?	12:06:47	20	A. Yes.
12:04:41	21	A. Yes.	12:06:47	21	Q. And did she present the result?
12:04:42	22	Q. Okay. All right. So coming back now to	12:06:49	22	A. She did.
12:04:46	23	what you sought out. These paragraphs 42 to 67,	12:06:50	23	Q. And what was the result? Were there hits?
12:04:53	24	they name institutions; do you see that?	12:06:55	24	I'll use that term.
12:04:57	25	A. Yes.	12:06:55	25	A. She retrieved, I believe it was, 12 records
Page 91			Page 93		
12:04:57	1	Q. How did you seek out institution-specific	12:07:02	1	and presented them to me electronically.
12:05:03	2	information that would fit within these paragraphs	12:07:04	2	Q. And do you remember the institutions for
12:05:05	3	of 42 to 67? I'm sorry, 66.	12:07:07	3	those 12 records?
12:05:12	4	A. Sixty-six.	12:07:08	4	A. Not exactly. I mean, some of them may come
12:05:12	5	Q. I keep saying 67. Sixty-six.	12:07:14	5	to mind and some may not.
12:05:16	6	How did you seek out the	12:07:16	6	Q. Okay. Go ahead, name one that comes to
12:05:17	7	institution-specific information in paragraphs 42 to	12:07:18	7	mind.
12:05:21	8	66?	12:07:27	8	A. Virginia Commonwealth University.
12:05:21	9	A. I instructed Ellen Bishop, who's a senior	12:07:29	9	Q. Okay. Let's start there. That's paragraph
12:05:26	10	HID FAS in technical support, to run a report from	12:07:32	10	47?
12:05:29	11	Siebel to query that database for these specific	12:07:32	11	A. Yes.
12:05:36	12	accounts.	12:07:33	12	Q. On page 20 of Exhibit 1.
12:05:37	13	Q. Okay.	12:07:35	13	What can you recall from Ms. Bishop's
12:05:38	14	A. And my team's interaction with these	12:07:38	14	search regarding Virginia Commonwealth University
12:05:41	15	accounts.	12:07:42	15	Medical Center?
12:05:42	16	Q. Okay. And does that involve -- and I'm	12:07:43	16	A. That it was three to four contacts with
12:05:49	17	only familiar with things like searching a document,	12:07:51	17	VCU, with Dr. Traci Dawson Crews, C-r-e-w-s, or
12:05:52	18	searching a database with a word search. Could you	12:07:59	18	members of her staff regarding operation of the
12:05:55	19	put in for paragraph 42 Johns Hopkins -- Johns	12:08:10	19	instrument and low peak quality with Identifier.
12:05:59	20	Hopkins?	12:08:16	20	Q. And just so I could make sure I understood,
12:06:00	21	A. You could, yes.	12:08:18	21	"low peak quality"?
12:06:01	22	Q. You could.	12:08:20	22	A. Yes.
12:06:02	23	Was that done?	12:08:21	23	Q. "Low peak quality"?
12:06:03	24	A. Yes.	12:08:22	24	A. Correct.
12:06:03	25	Q. Okay. And were documents identified?	12:08:23	25	Q. So on the machine, when you get a result,

24 (Pages 90 to 93)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 94		Page 96	
12:08:26	1 you get peaks?	12:10:50	1 contact; right?
12:08:27	2 A. Yes.	12:10:56	2 A. No. Correct. We -- contact with these
12:08:27	3 Q. And this was a low peak quality result?	12:11:02	3 accounts would have come up.
12:08:32	4 A. Yes.	12:11:05	4 Q. Now, you, when you did your search, did you
12:08:32	5 Q. With the kit Identifier?	12:11:12	5 search in a way where contacts with the
12:08:34	6 A. To the best of my memory, yes.	12:11:20	6 applications -- get the terminology right --
12:08:36	7 Q. Okay. That's a pretty good memory.	12:11:22	7 applications technical support team, would those
12:08:38	8 What application was Virginia Commonwealth	12:11:24	8 have popped up?
12:08:44	9 University Medical Center doing when they had this	12:11:26	9 A. No. This search would have been for
12:08:45	10 low peak quality?	12:11:28	10 interactions with my human identification team.
12:08:47	11 A. Dr. Traci Dawson Crews is in charge of	12:11:31	11 Q. Okay. So there still may be on the
12:08:52	12 their forensic teaching facility, so it was a	12:11:36	12 database records for the Virginia Commonwealth
12:08:55	13 forensic teaching. She runs the kits as she	12:11:39	13 University Medical Center where they interacted with
12:08:59	14 instructs grads and undergraduate students who want	12:11:43	14 the applications technical support team instead of
12:09:03	15 to seek a forensic profession.	12:11:46	15 your team?
12:09:06	16 Q. Okay. Are you aware of nonforensic	12:11:47	16 A. That's correct.
12:09:11	17 applications at Virginia Commonwealth University	12:11:50	17 Q. And those records could indicate
12:09:15	18 Medical Center?	12:11:52	18 nonforensic uses?
12:09:15	19 A. I'm not.	12:11:54	19 A. They could.
12:09:16	20 Q. Okay. Is there a way to search Virginia	12:11:56	20 Q. Okay. I'm just trying to understand the
12:09:24	21 Commonwealth University Medical Center on the	12:11:58	21 scope of the search.
12:09:28	22 database to identify that information?	12:11:59	22 A. Sure.
12:09:30	23 A. Yes.	12:12:00	23 Q. Okay. Got it.
12:09:30	24 Q. Okay. On Siebel?	12:12:01	24 Now, since we're on Virginia Commonwealth
12:09:32	25 A. Yes.	12:12:04	25 University Medical, let's go to paragraph 21 of
Page 95		Page 97	
12:09:32	1 Q. Okay. And has that been done?	12:12:20	1 what's been marked Exhibit 1. Would your search
12:09:36	2 A. That's what I instructed Ellen to do.	12:12:27	2 that we've been talking about with respect to
12:09:39	3 Q. Oh, look at all?	12:12:30	3 paragraph 47 identify what is contained in paragraph
12:09:42	4 A. It hit Virginia Commonwealth University.	12:12:38	4 21 of Exhibit 1, which is also Virginia Commonwealth
12:09:46	5 If that is contained in the name, it's going to	12:12:43	5 University Medical Center specific?
12:09:48	6 hit --	12:12:49	6 A. Any of my team's interactions with VCU
12:09:49	7 Q. Okay.	12:12:54	7 would have come up on this search.
12:09:49	8 A. -- and give you back a report.	12:12:56	8 Q. Okay. But 21, paragraph 21, talks about
12:09:51	9 Q. And so, if I understand your testimony,	12:13:01	9 purchase, installation and operational setup.
12:09:54	10 that's going to hit regardless of the use, and then	12:13:04	10 That's not something your team does; right?
12:09:58	11 you could look at the information and determine the	12:13:07	11 A. Not the purchase, not the installation.
12:10:00	12 use?	12:13:13	12 Some operational setup, support and troubleshoot.
12:10:02	13 A. It's going to hit if you put in Virginia	12:13:17	13 Operational setup, support and troubleshooting would
12:10:06	14 Commonwealth University, and my team has had	12:13:19	14 be the responsibility of my team.
12:10:09	15 interaction and put that in the database. And	12:13:21	15 Q. Okay. So there's some overlap in 21, but
12:10:14	16 sometimes you can determine what the application is,	12:13:25	16 to the extent there is information on the database
12:10:18	17 but not always.	12:13:30	17 regarding interactions on purchase and installation,
12:10:19	18 Q. Okay. All right. So if your team had had	12:13:35	18 those would not have been found in the search that
12:10:31	19 a nonforensic interaction with Virginia Commonwealth	12:13:37	19 you just described for paragraph 47?
12:10:34	20 University Medical Center --	12:13:41	20 A. Correct.
12:10:37	21 A. Yes.	12:13:42	21 Q. Okay. And turning the page to page 8 so we
12:10:37	22 Q. -- that would have come up on this search?	12:13:52	22 can see the rest of paragraph 21, you'll see at the
12:10:40	23 A. Yes.	12:14:01	23 top line, over to the far right, "field," and then
12:10:41	24 Q. Okay. Because your search was broader than	12:14:07	24 the next line "application specialist," and that's
12:10:43	25 that? You didn't limit your search to forensic	12:14:10	25 part of your team; right?

25 (Pages 94 to 97)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 98			Page 100		
12:14:12	1	A. The human -- the HID, they're human	12:16:06	1	Q. Oh, do you know the name of that?
12:14:16	2	identification FAS, are on my team, yes.	12:16:12	2	A. No.
12:14:19	3	Q. Okay. Then you'll see "technical support	12:16:12	3	Q. Okay.
12:14:24	4	personnel"?	12:16:13	4	A. I don't know the name.
12:14:25	5	A. Yes.	12:16:14	5	Q. Okay.
12:14:25	6	Q. And some of your -- that covers some of	12:16:14	6	A. I could guess.
12:14:29	7	your team?	12:16:15	7	Q. We can ask Albert.
12:14:29	8	A. It does.	12:16:18	8	Okay. And continuing now on page 8 of
12:14:30	9	Q. But as you've said, there's some technical	12:16:21	9	what's been marked Exhibit 1, the associated
12:14:32	10	support personnel in the applications technical	12:16:30	10	documentation created by such individuals, for your
12:14:39	11	support team?	12:16:38	11	team, you were able to search for that
12:14:39	12	A. Correct.	12:16:42	12	documentation, but for these other groups, like the
12:14:40	13	Q. Okay. Which would not be covered by your	12:16:44	13	field service engineers, we'd have to search the
12:14:43	14	search?	12:16:49	14	other database?
12:14:44	15	A. Correct.	12:16:49	15	A. That is correct.
12:14:45	16	Q. Okay. Then there's "clinical diagnostic	12:16:50	16	Q. Okay. Do you have any knowledge with
12:14:48	17	account representatives"; that's not part of your	12:16:54	17	regard to how field service engineers operate with
12:14:51	18	team?	12:16:57	18	customers?
12:14:52	19	A. I don't know what that is.	12:16:58	19	A. I do.
12:14:54	20	Q. Okay.	12:16:59	20	Q. Okay. Are they involved in more than just
12:14:55	21	A. No, they're not part of my team if they	12:17:04	21	the initial installation?
12:14:57	22	exist.	12:17:09	22	A. Not routinely.
12:14:58	23	Q. All right. So you're not the right person	12:17:10	23	Q. Okay. But if there is a problem with the
12:15:00	24	for clinical diagnostic account representative	12:17:13	24	machine that goes beyond something, say, you can
12:15:02	25	interactions with customers of LTI?	12:17:17	25	troubleshoot, would they be involved?
Page 99			Page 101		
12:15:11	1	A. Correct, I don't believe a clinical	12:17:20	1	A. At times, yes.
12:15:13	2	diagnostic account representative exists.	12:17:21	2	Q. And these would be the field service
12:15:15	3	Q. In LTI?	12:17:23	3	engineers?
12:15:16	4	A. Correct.	12:17:24	4	A. Correct.
12:15:19	5	Q. Oh, okay.	12:17:24	5	Q. Okay. Is there another group beyond the
12:15:20	6	The field service engineers who install are	12:17:28	6	field service engineers that help with
12:15:25	7	not under your team; right?	12:17:31	7	troubleshooting the machine other than your group?
12:15:26	8	A. They are not.	12:17:35	8	A. Sometimes in a troubleshooting situation,
12:15:26	9	Q. Whose team is that?	12:17:42	9	when you're trying to discern if it's hardware or
12:15:28	10	A. It's -- they currently fall under Albert,	12:17:45	10	software, chemistry or user, we may involve software
12:15:36	11	and I'm unable to pronounce his last name.	12:17:50	11	writers or product group managers, hardware
12:15:38	12	Q. Go ahead, spell it.	12:17:55	12	developers. So there's various groups. But
12:15:40	13	A. Or spell it.	12:17:59	13	definitely the FAS and the service engineers would
12:15:42	14	Q. Oh, really?	12:18:02	14	be the -- the main troubleshooting contacts.
12:15:43	15	A. I call him Albert. I can get that name.	12:18:07	15	Q. Okay. Now, let's go to 72, paragraph 72,
12:15:47	16	The manager of the field service engineers.	12:18:12	16	which is also Virginia Commonwealth, but this -- as
12:15:49	17	Q. Okay.	12:18:23	17	you say, the verbiage changes to applications
12:15:50	18	A. I'll get that to you.	12:18:26	18	technical support team.
12:15:51	19	Q. Okay. And would he have access to their	12:18:27	19	So I take it your search would not have
12:15:55	20	database interactions?	12:18:30	20	identified documents that fit paragraph 72?
12:15:56	21	A. He would.	12:18:35	21	A. What I took note of in the verbiage change
12:15:57	22	Q. Okay. You don't have access to that?	12:18:38	22	was any and all documents related to any and all
12:15:59	23	A. I do not.	12:18:44	23	in-house or onsite testing.
12:16:00	24	Q. Okay. That's not on Siebel?	12:18:48	24	Q. Okay.
12:16:02	25	A. No, that's on another database.	12:18:49	25	A. Including troubleshooting tests.

26 (Pages 98 to 101)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 102			Page 104		
12:18:52	1	Q. Okay. And help me understand what -- was	12:21:27	1	A. No.
12:18:56	2	that a problem in terms of your search?	12:21:27	2	Q. Where would they go?
12:19:00	3	A. I don't know how to answer this. Any	12:21:32	3	A. Customers don't always allow us to remove
12:19:07	4	documents related to in-house or onsite testing	12:21:39	4	their data from their sphere of control.
12:19:16	5	in -- in my capacity, I don't have access to all	12:21:45	5	Q. Really?
12:19:20	6	documents that are produced in-house or onsite for	12:21:47	6	A. Yes.
12:19:25	7	any specific account.	12:21:47	7	Q. And you -- you don't have access to that
12:19:27	8	Q. Oh, that's not on Siebel?	12:21:51	8	electronically through the machine?
12:19:32	9	A. Please clarify what -- what is meant by	12:21:55	9	A. We do onsite and we can look at it, but
12:19:36	10	"any and all in-house or onsite testing."	12:21:59	10	customers don't always --
12:19:40	11	Q. Okay.	12:22:01	11	Q. Let you walk away from it?
12:19:41	12	A. I think that means something different.	12:22:03	12	A. -- let us take those files away.
12:19:42	13	Q. Okay. Try to give a concrete example.	12:22:05	13	Q. Okay. Got it.
12:19:45	14	A. Okay.	12:22:06	14	So some onsite testing is going to stay
12:19:45	15	Q. Identifier --	12:22:09	15	onsite?
12:19:47	16	A. Okay.	12:22:10	16	A. Yes.
12:19:48	17	Q. -- starts acting up.	12:22:10	17	Q. And not go into your database?
12:19:49	18	A. Okay.	12:22:12	18	A. Yes.
12:19:49	19	Q. Okay? Customers start calling, say hey,	12:22:12	19	Q. And once in a while some will go into your
12:19:53	20	this kit lot, something's up; right?	12:22:14	20	database?
12:19:56	21	A. Okay.	12:22:15	21	A. The data itself does not go into the
12:19:57	22	Q. You send some people out because you first	12:22:18	22	database.
12:20:00	23	think well, this customer's not that experienced, so	12:22:18	23	Q. Okay. So in a case where a customer says
12:20:03	24	you go and do onsite testing --	12:22:21	24	please fix this problem, and you say can I take this
12:20:05	25	A. Okay.	12:22:24	25	data with me, where does that data go?
Page 103			Page 105		
12:20:06	1	Q. -- and you find out whoa, Identifier's --	12:22:26	1	A. That would go to the in-house product
12:20:09	2	it is acting up. So then that gets reported back to	12:22:28	2	group.
12:20:12	3	you, and you tell some group in-house, maybe	12:22:28	3	Q. Okay. Who's that?
12:20:15	4	yourself, well, you know what, forget that customer,	12:22:29	4	A. That would be Lisa Calandro, is head of
12:20:20	5	we need to go back and look in-house at more of this	12:22:33	5	that group.
12:20:26	6	lot than just the kit they have to see if this is a	12:22:34	6	Q. How do you spell that?
12:20:30	7	lot line problem or just that one box out on the	12:22:34	7	A. C-a-l-a-n-d-r-o.
12:20:34	8	tarmac somewhere. And you find out oh, God, it's	12:22:37	8	Q. Okay. In-house product group?
12:20:38	9	the whole lot, something went wrong, magnesium	12:22:40	9	A. Yes.
12:20:43	10	concentration, some primer -- who knows -- a	12:22:41	10	Q. And what's their -- what's their duty?
12:20:46	11	component; right?	12:22:44	11	What's their responsibility?
12:20:47	12	A. Yes.	12:22:45	12	A. Their duty is to have oversight, again, for
12:20:47	13	Q. You now realize you've got a real problem.	12:22:49	13	the development and manufacture and marketing and
12:20:51	14	You've got to figure out why that kit's not working,	12:22:53	14	supply of the human identification kits and
12:20:55	15	so you -- so you do in-house testing.	12:22:58	15	portfolio. So anytime there's an issue with that,
12:20:57	16	A. Okay.	12:23:03	16	that we're not able to resolve in the field, then we
12:20:58	17	Q. Right? So I assumed if you troubleshoot	12:23:06	17	call on them. We include them in our
12:21:02	18	you would have access at least to the customer	12:23:10	18	troubleshooting efforts.
12:21:04	19	onsite test results; right? Your FAS person would	12:23:11	19	Q. Okay. So in this case where Identifier is
12:21:11	20	come back and state these are the results I got out	12:23:15	20	acting up and you determine it's not operator error
12:21:14	21	at customer X who was complaining and they'd show	12:23:19	21	by the customer, would it be that moment that you go
12:21:18	22	them to you; right?	12:23:23	22	to this in-house product group?
12:21:20	23	A. Sometimes.	12:23:26	23	A. Yes.
12:21:21	24	Q. Okay. Would those test results go into	12:23:26	24	Q. Okay. Have you done this before?
12:21:24	25	Siebel, the actual data?	12:23:28	25	A. Yes, I have.

27 (Pages 102 to 105)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 106			Page 108		
12:23:28	1	Q. This has happened?	12:25:58	1	Since we're on the topic of Identifier and
12:23:30	2	A. Yes, it has.	12:26:02	2	this kind of incident, we might as well go to the
12:23:30	3	Q. Has it happened for Identifier?	12:26:07	3	real thing. I think we're up to Exhibit 3.
12:23:32	4	A. Yes, it has.	12:26:20	4	(The document referred to was marked by the
12:23:33	5	Q. What happens now to the data that was		5	reporter as Exhibit 3 for identification and is
12:23:39	6	coming from the lab in the case that the lab let you		6	attached hereto.)
12:23:42	7	take it? What happens to that data? Does she	12:26:21	7	BY MR. CARROLL:
12:23:46	8	evaluate it?	12:26:25	8	Q. Ms. Shepherd, the court reporter has
12:23:47	9	A. Yes, she or someone on her team.	12:26:28	9	supplied you what's been marked Exhibit 3. It's
12:23:49	10	Q. Okay. Is her team a big team?	12:26:32	10	Bates stamped LIFE 0004557, 558 and 559.
12:23:53	11	A. Define "big." I believe --	12:26:39	11	Do you recognize this?
12:23:55	12	Q. Bigger than yours?	12:26:40	12	A. I do.
12:23:56	13	A. It's about the same size as mine.	12:26:41	13	Q. Is this a document you reviewed when you
12:23:58	14	Q. Okay. Are they all in-house?	12:26:44	14	prepared for this deposition?
12:24:01	15	A. No.	12:26:45	15	A. It is not.
12:24:01	16	Q. Okay. And if she now gets this data, does	12:26:47	16	Q. It is not. Okay.
12:24:08	17	she go and pull the same lot number and start doing	12:26:48	17	The "from" line just has your name on it, I
12:24:11	18	in-house testing?	12:26:55	18	believe; right?
12:24:14	19	A. Yes.	12:26:55	19	A. That's correct.
12:24:14	20	Q. And where do those test results go?	12:26:55	20	Q. And do you remember this event?
12:24:16	21	A. I believe they remain either in Warrington	12:26:57	21	A. I do.
12:24:24	22	or Foster City within the product group.	12:26:58	22	Q. Okay. The date is December 2009 on the
12:24:27	23	Q. Oh. Now, do you have access to those?	12:27:08	23	e-mail?
12:24:33	24	A. I've never accessed those.	12:27:09	24	A. Yes.
12:24:36	25	Q. Okay. If you asked for them in a	12:27:09	25	Q. Okay. And does that comport with your
Page 107			Page 109		
12:24:40	1	particular situation you could get them?	12:27:13	1	recollection when, generally, when this event took
12:24:43	2	A. Probably.	12:27:15	2	place?
12:24:43	3	Q. Okay.	12:27:15	3	A. Yes, it does.
12:24:44	4	A. Yes.	12:27:16	4	Q. And this is part of a episode where the
12:24:44	5	Q. Do you know that they maintain these	12:27:21	5	Identifier kit had a problem?
12:24:48	6	records over years?	12:27:22	6	A. Yes.
12:24:50	7	A. I do.	12:27:22	7	Q. And was it a lot-wide problem? How big was
12:24:51	8	Q. And do they maintain these records, say,	12:27:28	8	the problem? Was it -- it wasn't just one customer?
12:24:54	9	for the period 2006 to present? Would they have	12:27:32	9	A. Correct.
12:24:58	10	them back that far?	12:27:32	10	Q. Right. It was some problem with the kit?
12:24:59	11	A. I would believe so, yes.	12:27:35	11	A. Yes.
12:25:00	12	Q. Okay. Now, if the problem gets resolved	12:27:35	12	Q. And was it more than just one lot of -- of
12:25:10	13	and all the testing's been done, so the whole	12:27:39	13	kit, many lots?
12:25:13	14	thing's wrapped up in a bow and that chapter's over,	12:27:40	14	A. Yes.
12:25:16	15	who maintains those records now? Where do those	12:27:41	15	Q. Many lots?
12:25:20	16	records go? Do they go in storage, they stay	12:27:42	16	A. Several lots.
12:25:24	17	electronic? What happens to that whole chapter?	12:27:43	17	Q. Several lots. Okay. All right.
12:25:26	18	A. The final resolution of, say, a kit	12:27:46	18	And did this problem come to light through
12:25:32	19	replacement resulting from a quality issue, on a	12:27:51	19	the efforts of your FAS team in supporting STR kits?
12:25:38	20	summary level, would be documented in Siebel. But	12:28:00	20	A. In part, yes.
12:25:42	21	the data itself would be with the in-house group.	12:28:01	21	Q. Okay. And do you recall the specifics of
12:25:47	22	Q. Okay. So they would be the only ones who	12:28:05	22	your team's involvement in bringing this to light?
12:25:50	23	could provide that actual troubleshooting data?	12:28:10	23	A. My team spent a lot of time troubleshooting
12:25:53	24	A. Yes.	12:28:16	24	this, and there were a lot of people involved in
12:25:53	25	Q. Okay. Got it.	12:28:19	25	obtaining a resolution.

28 (Pages 106 to 109)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 110		Page 112	
12:28:22	1 What specifically do you want to ask me?	12:30:58	1 and I managed the supply and contacting the
12:28:26	2 Q. Oh, no, I just didn't know -- for example,	12:31:04	2 customers to facilitate replacements of those kits.
12:28:28	3 I'm trying to find out how the onsite testing, the	12:31:09	3 Q. Okay. And looking at Exhibit 3, there are
12:28:33	4 in-house testing works, and we have now a specific	12:31:14	4 some spreadsheets mentioned here.
12:28:36	5 example, so we can understand --	12:31:15	5 A. Yes.
12:28:37	6 A. Okay.	12:31:16	6 Q. They talk about a list -- let me get it
12:28:38	7 Q. -- those paragraphs in the depo notice,	12:31:20	7 exactly right. It is:
12:28:40	8 when I was asking about that, so we're clear on what	12:31:23	8 "Attached please find today's list of
12:28:43	9 that is. I was just trying to understand if, for	12:31:23	9 Identifiler ship-to's."
12:28:45	10 example, one of your FAS did onsite testing, saw	12:31:28	10 Do you see that?
12:28:50	11 that it's not operator error, and then brought it	12:31:28	11 A. I do.
12:28:54	12 back and said hey, guys, we're going to have to do	12:31:29	12 Q. That's just after "Merry Christmas"
12:28:58	13 some in-house testing. I don't know if your team	12:31:32	13 there --
12:29:00	14 was involved at that level.	12:31:32	14 A. Yes.
12:29:01	15 A. And they were, yes.	12:31:33	15 Q. -- in the very middle. And then down
12:29:02	16 Q. Okay. Was the FAS person involved one of	12:31:35	16 below, at the very end, it says:
12:29:07	17 the three FAS that you named today?	12:31:37	17 "Also, please find the latest version of the
12:29:10	18 A. Yes.	12:31:40	18 master spreadsheets for all" --
12:29:10	19 Q. One in particular or all three?	12:31:43	19 How do you pronounce that?
12:29:14	20 A. Well, all three eventually.	12:31:45	20 A. AmpFLSTR.
12:29:15	21 Q. Okay. What was the one in particular?	12:31:46	21 Q. -- "AmpFLSTR replacements."
12:29:17	22 A. At the initial site it was April Orbison.	12:31:50	22 So we think we got those produced to us.
12:29:22	23 April Orbison.	12:31:57	23 We brought them today. And if we could mark them
12:29:22	24 Q. Orbison. Okay. Got it. I did hear that	12:32:01	24 Exhibits 4 and 5, even though understanding that
12:29:25	25 name before.	12:32:06	25 they might have been electronic attachments to
Page 111		Page 113	
12:29:26	1 And was there testing onsite for the	12:32:10	1 Exhibit 3, but just to handle them I'm going to mark
12:29:32	2 Identifiler?	12:32:13	2 them 4 and 5. Okay?
12:29:35	3 A. With April Orbison?	12:32:22	3 A. Okay.
12:29:37	4 Q. Yes.	12:32:23	4 (The documents referred to were marked by
12:29:37	5 A. Yes, she did some testing onsite.	5	the reporter as Exhibits 4 & 5 for identification
12:29:39	6 Q. Okay. And what customer was that?	6	and are attached hereto.)
12:29:41	7 A. Las Vegas Metropolitan Police Department.	12:32:26	7 MR. CARROLL: And you'll get yours right
12:29:46	8 Q. Okay. So they were doing forensics?	12:32:27	8 here.
12:29:48	9 A. Yes.	12:32:29	9 THE WITNESS: I'm sorry, I should have
12:29:48	10 Q. Okay. Was there any testing onsite of a	12:32:30	10 known that.
12:29:51	11 nonforensic lab by any of your FAS team for this	12:32:52	11 BY MR. CARROLL:
12:29:57	12 Identifiler problem?	12:32:52	12 Q. So before we go through these in any
12:29:58	13 A. Not that I recall.	12:32:57	13 detail, let me see if I can, just for convenience --
12:30:00	14 Q. Okay. Were you aware of any complaints	12:32:59	14 again, understanding that they may have been
12:30:06	15 from nonforensic customers regarding this	12:33:01	15 attached. I'm trying to find out if they've been
12:30:12	16 Identifiler problem related to what has been marked	12:33:04	16 attached.
12:30:19	17 as Exhibit 3?	12:33:04	17 A. Okay.
12:30:22	18 A. Yes.	12:33:05	18 Q. I noticed that one of the lists that we've
12:30:22	19 Q. Okay. And what was that?	12:33:16	19 marked Exhibit 5 has as a header "Ship to Name" at
12:30:25	20 A. We developed a spreadsheet once the	12:33:22	20 the top; do you see that?
12:30:33	21 problematic kits were isolated and identified. A	12:33:23	21 A. I do.
12:30:40	22 spreadsheet was developed from SAP, which is, my	12:33:24	22 Q. And yet that kind of looks more like a
12:30:46	23 understanding, it's a database of what's been sold	12:33:28	23 master list to me just because it has more than
12:30:49	24 and shipped and a specific lot number and where it	12:33:31	24 Identifiler on it, but you tell me. Is this --
12:30:54	25 was shipped. And based on that spreadsheet, my team	12:33:35	25 which --

29 (Pages 110 to 113)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 114		Page 116	
12:33:36	1 Is -- are either of Exhibit 4 or 5 one of	12:36:57	1 And now on 4587 a new column starts; do you
12:33:39	2 the spreadsheets you've referred to in Exhibit 3?	12:37:04	2 see that?
12:33:55	3 A. Exhibit 5 appears to be a much broader	12:37:04	3 A. I do.
12:33:59	4 spreadsheet than what I worked from in December of	12:37:04	4 Q. And it appears that this lines up to 4563,
12:34:03	5 '09.	12:37:12	5 which you have to your left. So if you read across
12:34:03	6 Q. Okay. So that might be the master?	12:37:17	6 the top of these columns now the way we've lined
12:34:07	7 A. It might be.	12:37:21	7 them up on the table, you have "Material," "Order,"
12:34:08	8 Q. Okay. Let me -- I'll give you a couple	12:37:27	8 "Material Description," "Ship to Name," "Region,"
12:34:12	9 hints. I've actually looked at this document. And	12:37:33	9 "Country," "Batch Number," "Quality in UnE,"
12:34:17	10 I don't know, might be helpful to look at some of	12:37:39	10 "Posting Date," and then "Replacements Already
12:34:20	11 the comments.	12:37:43	11 Sent," "Replacements Needed"; do you see that?
12:34:21	12 A. Okay.	12:37:45	12 A. I do.
12:34:21	13 Q. I thought they were kind of interesting.	12:37:45	13 Q. Okay. Does that format look familiar to
12:34:32	14 If you'll look for Exhibit 5, page 4612. It's the	12:37:49	14 you?
12:34:37	15 Bates stamp on the right bottom.	12:37:49	15 A. Yes.
12:34:41	16 A. Thank you.	12:37:49	16 Q. Okay. Is that the type of format that the
12:34:42	17 Q. You probably have to take the clip off.	12:37:54	17 spreadsheets you provided with respect to Exhibit 3
12:34:49	18 A. What's the number? 466?	12:38:00	18 that you've discussed, was that the type of format
12:34:51	19 Q. 4612. Sorry.	12:38:03	19 for those spreadsheets?
12:35:06	20 There's a comment page, and it's -- there's	12:38:04	20 A. Yes.
12:35:10	21 not much on this document, but I wanted you to read	12:38:04	21 Q. Okay. Can you tell me yet which, if any,
12:35:12	22 the comments because sometimes it looks like, you	12:38:12	22 of Exhibit 4 or 5 are the spreadsheets referred to
12:35:17	23 know, somebody's adding, and it may be you, I don't	12:38:15	23 in Exhibit 3?
12:35:19	24 know, is adding comments as to what's going on about	12:38:16	24 A. No, I can't tell you that yet.
12:35:21	25 the kits and the replacements.	12:38:19	25 Q. Okay. All right. So let's move on.
Page 115		Page 117	
12:35:25	1 Is that any help to you to tell me which	12:38:21	1 There's some more break points. Stay right
12:35:28	2 spreadsheet that is, that comment? Does that help	12:38:26	2 with your batch starting 4587.
12:35:31	3 you?	12:38:29	3 A. Okay.
12:35:31	4 A. The comment, this page, 4612, looks	12:38:30	4 Q. And if you go to 4610, you will see that
12:35:35	5 familiar. However, the way it's formatted I have	12:38:48	5 nice break point again. 4610. There you go.
12:35:41	6 concerns as to whether it was all one original,	12:39:00	6 A. Okay.
12:35:52	7 voluminous document to begin with.	12:39:00	7 Q. Do you see what I mean by the break point?
12:35:52	8 Q. Right. Right. Let me help you with that.	12:39:02	8 A. Yes.
12:35:55	9 I know exactly what you're talking about. The way I	12:39:02	9 Q. The end; right?
12:35:58	10 phrase it, just so you can hear my lingo, is, you	12:39:04	10 So if we take that as the end, and group
12:36:02	11 know, is this a horizontal document, like a normal	12:39:09	11 now 4587 with 4610, let's put that to the left.
12:36:04	12 spreadsheet? Meaning, can you piece the pieces	12:39:16	12 A. Okay.
12:36:10	13 horizontally together? And what I've done is	12:39:16	13 Q. So they're face up. And now that next page
12:36:12	14 actually looked at that for Exhibit 5 and Exhibit 4.	12:39:26	14 is "Comments"; do you see that?
12:36:17	15 So for just a minute, if you'll bear with me,	12:39:29	15 A. I do.
12:36:21	16 there's some interesting ends that I find very	12:39:29	16 Q. So we're starting to build what I call a
12:36:25	17 useful.	12:39:32	17 horizontal spreadsheet; right?
12:36:26	18 So starting on Exhibit 5, if you page from	12:39:34	18 A. Yes.
12:36:31	19 the beginning, 4563, back to 4586, you'll find a	12:39:35	19 Q. Is this the type of spreadsheet that you
12:36:38	20 kind of natural stopping place. 4586 is the Bates	12:39:38	20 referred to in Exhibit 3?
12:36:43	21 number for Exhibit 5.	12:39:39	21 A. It is.
12:36:47	22 Do you see that break?	12:39:39	22 Q. Can you tell if it is, in fact, the
12:36:48	23 A. I do.	12:39:42	23 spreadsheet?
12:36:49	24 Q. Okay. So why don't you put that aside to	12:39:44	24 A. I do not believe that it is.
12:36:54	25 your left. Oh, keep it up, though. Yeah.	12:39:45	25 Q. Okay. And why's that?

30 (Pages 114 to 117)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 118		Page 120	
12:39:48	1 A. Because in the country codes it -- this is	12:42:52	1 that they kind of match up in terms of the number.
12:39:52	2 a global spreadsheet, and I would have been working	12:42:56	2 A. Okay.
12:39:55	3 from a U.S./Canada spreadsheet.	12:42:57	3 Q. Okay? So I'm just, again, I'm showing
12:39:59	4 Q. Okay. Just go -- let's go back to Exhibit	12:43:00	4 you -- I dissected this. I'm trying to figure it
12:40:02	5 3 for a second.	12:43:05	5 out. It does look like it's U.S., but now that
12:40:02	6 A. Okay.	12:43:09	6 we've got this much done, let's look at the
12:40:03	7 Q. It does talk about a master list.	12:43:12	7 territory codes.
12:40:05	8 A. Yes.	12:43:12	8 Are those codes you're familiar with?
12:40:06	9 Q. Could that be global?	12:43:14	9 A. Yes.
12:40:10	10 A. In its original form it may have been	12:43:14	10 Q. Are those U.S. or Canada?
12:40:16	11 presented to me as global, and I may have edited it	12:43:17	11 A. Yes.
12:40:19	12 down to be U.S. and Canadian.	12:43:17	12 Q. Okay. So we're doing okay.
12:40:22	13 Q. Okay. Well, then, let's go to Exhibit 4	12:43:23	13 Then on 4717 we seem to start again, and it
12:40:26	14 because I believe Exhibit 4 -- let's re-assemble	12:43:30	14 may be that this is part of the vertical aspect. In
12:40:30	15 Exhibit 5 the best you can. Right. Put that on top	12:43:33	15 other words, if you think about this spreadsheet,
12:40:32	16 of that one.	12:43:37	16 it's possible 4717 would be the next layer of the
12:40:33	17 And then let's go to Exhibit 4, because	12:43:43	17 spreadsheet that's going to start another horizontal
12:40:36	18 that does appear to be U.S., and we can go over that	12:43:48	18 spreadsheet. I don't know. But once again, if you
12:40:42	19 to see if that's the case. And it's smaller and	12:43:50	19 go through it, you come to another break, which is
12:40:49	20 easier to work with.	12:43:52	20 on page 4726. Okay?
12:41:01	21 And just while we have this, Kris, we don't	12:44:03	21 A. Okay.
12:41:07	22 have the original e-mails obviously, so we can't	12:44:03	22 Q. And now the next page starts quarters
12:41:11	23 tell what the attachments were. I suspect, since I	12:44:15	23 across the top, and that goes onto 4736. And again,
12:41:15	24 did my best to study this, and these follow in Bates	12:44:26	24 we're in Exhibit 4. We'll do this little exercise
12:41:19	25 number, that I've got these, but it would be great	12:44:33	25 again, Ms. Shepherd. 4736 can line up or can be
Page 119		Page 121	
12:41:23	1 if we could verify electronically that these come	12:44:39	1 lined up with 4726 if you put them next to each
12:41:27	2 from -- meaning Exhibits 4 and 5 -- come or don't	12:44:49	2 other. And at least the way I'm lining them up,
12:41:30	3 come from what was attached to this e-mail, Exhibit	12:44:55	3 they've got the same numbers. In other words, the
12:41:33	4 3.	12:44:58	4 same number of rows or columns, depending on how you
12:41:33	5 MS. JOHNSON: We can follow up on that.	12:45:06	5 call them, if you call them the horizontal kind, the
12:41:34	6 MR. CARROLL: Okay. Great.	12:45:09	6 same kind of horizontal kind of columns. Or would
12:41:36	7 Q. So let's look at Exhibit 4. I've looked	12:45:13	7 you call those rows?
12:41:42	8 this over, too, and tried to assemble it. And the	12:45:13	8 A. I would call them horizontal rows.
12:41:46	9 same kind of nice little break points come. And the	12:45:16	9 Q. Rows. Let's go with that.
12:41:50	10 first one comes at Bates stamp 4708 of Exhibit 4.	12:45:19	10 Seems like the same number of rows?
12:41:57	11 A. Yes.	12:45:20	11 A. It appears to be, yes.
12:41:57	12 Q. Do you see that?	12:45:22	12 Q. Okay. So from this can you tell if this is
12:41:58	13 A. I do.	12:45:24	13 the spreadsheet you were referring to in Exhibit 3?
12:41:59	14 Q. So let's do the same thing, let's put that	12:45:28	14 A. I can tell that this is not the spreadsheet
12:42:01	15 to your left. Okay? And now we're starting to see	12:45:31	15 that I attached in this e-mail.
12:42:09	16 territory codes and then up above years and	12:45:33	16 Q. Okay. And how is that?
12:42:12	17 quarters; do you see that?	12:45:35	17 A. Because this has forecast numbers and sales
12:42:14	18 A. I do.	12:45:43	18 territory codes. It has financial information.
12:42:14	19 Q. Okay. So I went along doing that. And	12:45:52	19 Q. Oh, and that's not something you would
12:42:17	20 that goes to 4716. And you'll see that nice little	12:45:54	20 have?
12:42:24	21 break again. And just for a moment, if you look at	12:45:56	21 A. It's not something that I -- it's not what
12:42:29	22 the break on 4708, which is to your left -- it's the	12:45:59	22 I'm referring to on the spreadsheet, on this e-mail.
12:42:35	23 last page -- and you compare it to the break on	12:46:04	23 Q. Okay. Okay. Is it a type of spreadsheet,
12:42:42	24 4716, which is the last page in your right hand -- I	12:46:08	24 though, that you are familiar with?
12:42:48	25 know it's a little bit of a puzzle -- you'll see	12:46:14	25 MS. JOHNSON: Exhibit 4?

31 (Pages 118 to 121)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 122			Page 124		
12:46:15	1	MR. CARROLL: Yes.	12:49:09	1	MS. JOHNSON: No, I'm not sure exactly
12:46:17	2	THE WITNESS: I've seen this type of	12:49:12	2	which document she's referring to. I can tell you
12:46:19	3	spreadsheet before, yes.	12:49:13	3	that the e-mail documents that Ms. Shepherd is
12:46:21	4	MR. CARROLL: Okay.	12:49:16	4	referring to either have been part of the electronic
12:46:22	5	Q. Let's look at some of the customers	12:49:19	5	production that has been made or will be part of
12:46:23	6	starting on 4702 of Exhibit 4, so you might want to	12:49:21	6	that production. The Siebel documents have not yet
12:46:28	7	re-assemble it a little bit. I'm just re-assembling	12:49:24	7	been produced. They will be once we've -- as she
12:46:49	8	mine. Give me one second.	12:49:28	8	mentioned, they're difficult to print, so we need to
12:47:01	9	Okay. So on 4702 the customers that are	12:49:30	9	figure out the correct format in which to produce
12:47:09	10	listed from the top, some of them departments of	12:49:33	10	those.
12:47:14	11	justices, bureaus of investigation, sheriff's	12:49:33	11	MR. CARROLL: Okay. All right.
12:47:18	12	department, etcetera. Come down, then, to Ohio	12:49:34	12	Understood.
12:47:21	13	University; are you familiar with that customer?	12:49:34	13	Q. So you mentioned, with respect to paragraph
12:47:24	14	A. I'm not.	12:49:37	14	29 of Exhibit 1, that you had a hit, but the more
12:47:25	15	Q. Okay. If you continue down about five	12:49:43	15	detailed content you can't recall at this time?
12:47:32	16	more, University of Texas MD Anderson Cancer Center.	12:49:45	16	A. That's correct.
12:47:36	17	Are you familiar with that customer?	12:49:46	17	Q. Okay. Since we're on M.D. Anderson, let's
12:47:38	18	A. I am.	12:49:49	18	finish M.D. Anderson with paragraphs 56 and 81. So
12:47:39	19	Q. Okay. And does that customer buy STR kits	12:49:54	19	let's start with 56. Now, your testimony before, if
12:47:42	20	from LTI?	12:50:08	20	I got it right -- hopefully I did -- is that you can
12:47:43	21	A. I do not know.	12:50:13	21	get direct calls, but calls can come into the
12:47:44	22	Q. You don't know that?	12:50:16	22	technical service center as well, might be rerouted,
12:47:45	23	A. I don't know.	12:50:19	23	might be handled by that other applications group;
12:47:46	24	Q. Okay. Let's go back to Exhibit 1. And	12:50:22	24	right?
12:47:51	25	keep that exhibit near you. And let's look at	12:50:23	25	A. Correct.
Page 123			Page 125		
12:47:55	1	paragraph 29. Oh, not page 29, sorry. Paragraph 29	12:50:24	1	Q. And his name is?
12:48:13	2	of Exhibit 1.	12:50:24	2	A. Paul Galgano is the manager of that group.
12:48:15	3	A. Thank you.	12:50:28	3	Q. Okay. Thank you.
12:48:19	4	Yes?	12:50:29	4	In paragraph 56, your search would not have
12:48:19	5	Q. Okay. And do you see that that's specific	12:50:35	5	identified M.D. Anderson Cancer Center inquiries
12:48:21	6	to M.D. Anderson?	12:50:40	6	with regard to that applications group?
12:48:23	7	A. I do.	12:50:44	7	A. Correct.
12:48:23	8	Q. Okay. Did you have occasion prior to this	12:50:44	8	Q. Okay. But they would have identified your
12:48:27	9	deposition to search for M.D. Anderson Cancer	12:50:53	9	team's interactions with M.D. Anderson with respect
12:48:30	10	Center?	12:50:57	10	to the four STR kits mentioned?
12:48:30	11	A. I did.	12:51:01	11	A. Correct.
12:48:31	12	Q. And did you get any results?	12:51:02	12	Q. Okay. So again, we have to go to Paul --
12:48:33	13	A. I did.	12:51:08	13	Is that his name?
12:48:34	14	Q. Okay. And what were those results?	12:51:08	14	A. Paul.
12:48:35	15	A. I recall a conversation with one of my FAS,	12:51:09	15	Q. -- Paul to get any information he might
12:48:44	16	as well as an inquiry from M.D. Anderson, into the	12:51:13	16	have?
12:48:49	17	tech support lines regarding HID questions. I don't	12:51:14	17	A. You could.
12:48:57	18	recall the specifics of the content.	12:51:14	18	Q. Okay. What about service sales
12:49:00	19	Q. Okay. And did you provide that	12:51:19	19	representatives, would your search have picked off
12:49:02	20	documentation to counsel?	12:51:23	20	their interactions with M.D. Anderson?
12:49:03	21	A. I did.	12:51:27	21	A. I'm not sure what a service sales --
12:49:04	22	Q. Did you bring it to this depo?	12:51:30	22	service and sales is two different groups.
12:49:06	23	A. I did not.	12:51:33	23	Q. Okay. Are there sales representatives?
12:49:07	24	MR. CARROLL: Okay. Did counsel bring it	12:51:37	24	A. Yes.
12:49:09	25	to this depo?	12:51:37	25	Q. And your search wouldn't have picked those

32 (Pages 122 to 125)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 126		Page 128	
12:51:40	1 up?	12:53:52	1 talked about with respect to Exhibit 3?
12:51:40	2 A. Correct.	12:53:55	2 A. I don't recall specifically.
12:51:40	3 Q. And who would we go to get those? Who	12:54:02	3 Q. All right. If we go back to Exhibit 4 and
12:51:44	4 could search the database to get the sales rep	12:54:08	4 move on down the list past M.D. Anderson, do you see
12:51:47	5 interactions with M.D. Anderson that fit the topic	12:54:13	5 Boise State University right under M.D. Anderson?
12:51:51	6 56, paragraph 56?	12:54:22	6 This is on Bates stamp 4702.
12:51:53	7 MS. JOHNSON: Object to the extent it	12:54:28	7 A. How far down the page is it?
12:51:54	8 assumes facts not in evidence. I'm not sure that	12:54:30	8 Q. About the top third.
12:51:57	9 there is testimony that there is a database that	12:54:33	9 A. I do.
12:51:58	10 would reflect sales representative inquiries with	12:54:33	10 Q. Okay. Do you -- are you familiar with this
12:52:02	11 any particular customer.	12:54:35	11 customer?
12:52:04	12 She can answer to the extent she knows.	12:54:38	12 A. Yes.
12:52:07	13 THE WITNESS: That question would be better	12:54:38	13 Q. And do they buy STR kits?
12:52:09	14 directed to Danny Hall.	12:54:43	14 MS. JOHNSON: Objection.
12:52:11	15 MR. CARROLL: Okay.	12:54:44	15 THE WITNESS: Yes.
12:52:13	16 Q. You mentioned SAP --	12:54:44	16 MS. JOHNSON: To the extent that's beyond
12:52:14	17 SAP?	12:54:46	17 the scope of her deposition. I'll let her answer,
12:52:15	18 A. Yes.	12:54:48	18 but it may be more appropriately posed to Mr. Hall.
12:52:15	19 Q. Okay.	12:54:51	19 THE WITNESS: I know that Boise State
12:52:16	20 -- as a database. Okay. Does that stand	12:54:53	20 University has a couple of Ph.D.s that run the
12:52:19	21 for something?	12:54:58	21 innocence project.
12:52:20	22 A. I'm sure it does, but I don't know.	12:54:58	22 BY MR. CARROLL:
12:52:22	23 Q. I don't know either. I actually have heard	12:54:59	23 Q. And what's that?
12:52:25	24 the term before, so it's probably some software	12:54:59	24 A. The innocence project is a group that does
12:52:27	25 term.	12:55:09	25 DNA testing or retesting on convicted offenders that
Page 127		Page 129	
12:52:28	1 Who maintains that database?	12:55:15	1 they believe are wrongfully accused for the purpose
12:52:33	2 A. I would assume our IT department.	12:55:19	2 of exonerating them using DNA results.
12:52:35	3 Q. Okay.	12:55:24	3 Q. Got it.
12:52:35	4 A. But I don't know.	12:55:25	4 Are you aware of any nonforensic use of STR
12:52:37	5 Q. And who would put entries into that? Would	12:55:29	5 kits by Boise State University?
12:52:39	6 that be salespeople?	12:55:31	6 A. I'm not.
12:52:41	7 A. Sales order administration, yes. Order	12:55:32	7 Q. Okay. Moving on down to Ohio University,
12:52:46	8 administration and sales.	12:55:36	8 just above Ohio University, Midwest Research
12:52:48	9 Q. What's order and administration? Who's	12:55:40	9 Institute, are you familiar with them?
12:52:50	10 that?	12:55:41	10 A. I'm not.
12:52:50	11 A. Order administration --	12:55:42	11 Q. Okay. Pennsylvania State University?
12:52:53	12 Q. Okay.	12:55:45	12 A. I am.
12:52:53	13 A. -- is a group of individuals that receive	12:55:45	13 Q. And do they use STR kits?
12:52:58	14 web-based orders, phone orders, e-mail orders and	12:55:47	14 A. They do.
12:53:02	15 process those.	12:55:48	15 Q. And for what purpose?
12:53:03	16 Q. Okay. All right. Okay. So we did	12:55:49	16 A. For the purpose of teaching forensic
12:53:09	17 paragraph 56 of M.D. Anderson. Where did M.D.	12:55:52	17 students.
12:53:16	18 Anderson go? Here we go, paragraph 81 of Exhibit	12:55:52	18 Q. Okay. Arizona State University at Tempe,
12:53:20	19 A -- Exhibit 1. Sorry.	12:55:58	19 are you familiar with their use of STR kits?
12:53:23	20 Now, this comes back to onsite and in-house	12:56:00	20 A. I'm not.
12:53:30	21 testing for M.D. Anderson. Are you aware of any	12:56:01	21 Q. Okay. BRT Laboratories in Baltimore?
12:53:35	22 onsite or in-house testing for M.D. Anderson at all?	12:56:05	22 A. Yes.
12:53:40	23 A. I am not.	12:56:06	23 Q. And forensic or nonforensic?
12:53:41	24 Q. Okay. Do you know whether M.D. Anderson	12:56:08	24 A. Paternity.
12:53:47	25 was involved in the Identifiler problem that we	12:56:10	25 Q. Paternity.

33 (Pages 126 to 129)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 130			Page 132		
12:56:11	1	Fayetteville State University, are you	12:58:15	1	Q. Any nonforensic STR use?
12:56:17	2	familiar with their purchase of STR kits?	12:58:19	2	A. Not that I'm aware of.
12:56:19	3	A. I'm not.	12:58:20	3	Q. All right. Charles River Lab Preclinical
12:56:20	4	Q. Okay. Michigan -- sorry, University of	12:58:24	4	Research, are you familiar with them?
12:56:25	5	Central Oklahoma in Edmond?	12:58:26	5	A. I'm not.
12:56:30	6	A. I'm not familiar with them.	12:58:27	6	Q. Okay. British Columbia Institute Of
12:56:31	7	Q. Okay. SIR Logical Research in Richmond?	12:58:31	7	Technology?
12:56:37	8	A. Yes.	12:58:32	8	A. Not familiar.
12:56:37	9	Q. Forensic or nonforensic?	12:58:32	9	Q. Lakehead University?
12:56:39	10	A. Forensic.	12:58:34	10	A. Not familiar.
12:56:40	11	Q. Are you familiar with any nonforensic use	12:58:34	11	Q. McMaster University?
12:56:42	12	of STR kits by them?	12:58:37	12	A. Not familiar.
12:56:44	13	A. Yes.	12:58:37	13	Q. Maxxam Analytics, Inc.?
12:56:44	14	Q. And what would that be?	12:58:42	14	A. I've heard of them.
12:56:46	15	A. Research and development and antibodies and	12:58:44	15	Q. Don't know what they do?
12:56:50	16	monoclonals.	12:58:46	16	A. I do not.
12:56:51	17	Q. Okay. And any nonforensic use of STR kits?	12:58:47	17	Q. Okay. Mitotyping Technologies?
12:56:56	18	A. Not that I'm aware of.	12:58:54	18	A. Yes.
12:56:57	19	Q. Okay. SUNY Albany, are you familiar with	12:58:54	19	Q. Private company?
12:57:03	20	them as a customer?	12:58:55	20	A. Yes.
12:57:04	21	A. Yes.	12:58:55	21	Q. STR use?
12:57:04	22	Q. Okay. And just a question about SUNY	12:58:57	22	A. They're primarily, as their name says, a
12:57:08	23	Albany: Are they the centralized customer for all	12:59:04	23	mitochondrial sequencing lab, which is forensics,
12:57:14	24	the universities in the SUNY system?	12:59:06	24	but I don't know if they use STR kits.
12:57:17	25	A. I don't know.	12:59:09	25	Q. Okay. SRI International?
Page 131			Page 133		
12:57:17	1	Q. Okay. What do you know about SUNY Albany	12:59:15	1	A. Yes.
12:57:21	2	and STR kit use?	12:59:17	2	Q. They use STR kits?
12:57:22	3	A. I don't know anything about their STR kit	12:59:19	3	A. They do.
12:57:28	4	use. I know the lab. I know of the lab.	12:59:20	4	Q. Forensic?
12:57:31	5	Q. Of the lab. Okay.	12:59:23	5	A. They do.
12:57:33	6	But not what they do there?	12:59:24	6	Q. Nonforensic STR use?
12:57:34	7	A. I do not.	12:59:29	7	A. I don't know.
12:57:35	8	Q. Forensics or otherwise?	12:59:30	8	Q. Center for Disease Control?
12:57:37	9	A. I know some of what they do.	12:59:31	9	A. Yes.
12:57:38	10	Q. Okay. What do they do?	12:59:32	10	Q. STR use?
12:57:40	11	A. HLA.	12:59:34	11	A. Yes.
12:57:40	12	Q. Okay. But as far as STR kits, you don't	12:59:34	12	Q. Forensic?
12:57:45	13	know?	12:59:37	13	A. No.
12:57:45	14	A. I don't know.	12:59:38	14	Q. What do they use STR kits for?
12:57:45	15	Q. Okay. Going to 4703, BTG, Inc., it's the	12:59:40	15	A. To validate trios and disease studies for
12:58:06	16	fifth one down.	12:59:51	16	diabetes. A trio would be a mother, a father and a
12:58:07	17	A. Yes.	12:59:54	17	child or offspring. They're investing a lot of
12:58:07	18	Q. Do you know them?	13:00:00	18	research money and time into studying specific
12:58:08	19	A. I do.	13:00:04	19	genes, and they want to make certain that the trios
12:58:10	20	Q. Are they a commercial lab?	13:00:06	20	that they're starting with are truly related in a
12:58:11	21	A. They are.	13:00:11	21	Mendelian fashion. Mendelian, M-e-n-d-e-l-i-a-n;
12:58:11	22	Q. And do they do forensics?	13:00:16	22	i.e., Gregor Mendel.
12:58:13	23	A. Yes.	13:00:18	23	Q. You must have won a spelling bee. That's
12:58:13	24	Q. With STRs?	13:00:21	24	very good.
12:58:15	25	A. Yes.	13:00:22	25	Tell me this: Are there other customers

34 (Pages 130 to 133)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 134			Page 136		
13:00:25	1	who do this type of trio work with STR kits from	14:10:06	1	LOS ANGELES, CALIFORNIA; TUESDAY, JULY 26, 2011
13:00:29	2	Life Tech?	14:10:57	2	2:13 P.M.
13:00:29	3	A. Not that I'm aware of.	14:10:57	3	
13:00:31	4	Q. Okay. MIT Lincoln Lab?	14:13:19	4	
13:00:36	5	A. I'm not familiar with them.	14:13:19	5	THE VIDEOGRAPHER: We're back on the record
13:00:37	6	Q. NIH NCI?	14:13:29	6	at 2:13.
13:00:41	7	A. I have obviously heard of NIH, but I'm not	14:13:31	7	
13:00:44	8	aware of any STR use there.	14:13:31	8	FURTHER EXAMINATION
13:00:46	9	Q. Okay. West Virginia University,	14:13:31	9	
13:00:53	10	Morgantown?	14:13:31	10	BY MR. CARROLL:
13:00:53	11	A. Yes.	14:13:36	11	Q. I think we were looking at Exhibit 4 before
13:00:53	12	Q. Do they use STR kits?	14:13:38	12	the break.
13:00:55	13	A. Yes.	14:13:38	13	A. Yes.
13:00:55	14	Q. Forensic?	14:13:39	14	Q. And I think we got as far as 4703, so let's
13:00:56	15	A. Forensic teaching, yes.	14:13:51	15	turn over to 4704. The third one down is Marshall
13:00:58	16	Q. And any nonforensic use of STR?	14:14:01	16	University Research Corp; are you familiar with
13:01:01	17	A. Not that I'm aware of.	14:14:01	17	them?
13:01:02	18	Q. Okay. Isis Pharmaceuticals?	14:14:02	18	A. I am.
13:01:10	19	A. Again, I've heard of them, but I don't know	14:14:02	19	Q. Do they use STR kits?
13:01:13	20	what they do.	14:14:04	20	A. They do.
13:01:13	21	Q. Okay. University of Massachusetts?	14:14:05	21	Q. Forensic?
13:01:18	22	A. I'm not familiar with any STR use there.	14:14:06	22	A. Yes.
13:01:21	23	Q. University of Iowa?	14:14:07	23	Q. Nonforensic?
13:01:24	24	A. Not familiar with any use of STR kits	14:14:08	24	A. Not aware if they do.
13:01:27	25	there.	14:14:09	25	Q. Okay. Genzyme Genetics?
Page 135			Page 137		
13:01:27	1	Q. University of Alabama?	14:14:12	1	A. I've heard of them.
13:01:31	2	A. Yes.	14:14:13	2	Q. Are you familiar with what they do?
13:01:31	3	Q. STR kit use?	14:14:14	3	A. I'm not.
13:01:33	4	A. Yes.	14:14:15	4	Q. Don't know if they use STR?
13:01:33	5	Q. Forensic?	14:14:19	5	A. I do not.
13:01:35	6	A. Yes.	14:14:20	6	Q. University of Central Florida?
13:01:35	7	Q. Non-forensic STR kit use?	14:14:21	7	A. Yes.
13:01:40	8	A. Maybe.	14:14:22	8	Q. Familiar with what they do?
13:01:40	9	Q. Do you know what it might be?	14:14:23	9	A. Yes.
13:01:43	10	A. I do not.	14:14:24	10	Q. Use STR kits?
13:01:43	11	Q. Okay. Why do you say "maybe," though?	14:14:25	11	A. They do.
13:01:51	12	A. Because they have contacted our tech	14:14:26	12	Q. Forensics?
13:01:55	13	support services. I know that in the past they have	14:14:27	13	A. Yes.
13:02:01	14	used STR, but I -- I don't know. I have not had	14:14:27	14	Q. Nonforensic?
13:02:04	15	contact with them in the context of time that we're	14:14:29	15	A. Don't know.
13:02:07	16	referring to.	14:14:29	16	Q. Okay. We talked about SUNY Albany before.
13:02:08	17	Q. Okay. It's one o'clock. Lunchtime. So	14:14:34	17	Orchid Cellmark, do you know them?
13:02:12	18	why don't we take a break.	14:14:35	18	A. I do.
13:02:14	19	How long would you like to go?	14:14:36	19	Q. Private company?
13:02:17	20	THE VIDEOGRAPHER: Off the record. The	14:14:37	20	A. Yes.
13:02:18	21	time is 1:02.	14:14:38	21	Q. Do they use STR?
13:02:21	22	(Lunch recess.)	14:14:39	22	A. They do.
13:02:23	23	///	14:14:40	23	Q. Forensic?
13:02:23	24	///	14:14:41	24	A. Yes.
13:02:23	25	///	14:14:43	25	Q. Nonforensic?

35 (Pages 134 to 137)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 138			Page 140		
4:14:44	1	A. I believe they have other applications, but	4:16:37	1	Q. Okay. University of Ontario Institute of
4:14:46	2	I'm not aware of using STR kits, other applications.	4:16:40	2	Technology?
4:14:53	3	Q. Okay. Transgenomic, Inc.?	4:16:41	3	A. Not familiar with them.
4:14:54	4	A. I've heard the name.	4:16:42	4	Q. Okay. Chino Labs?
4:14:55	5	Q. Don't know what they do?	4:16:46	5	A. Not familiar with Chino Labs.
4:14:56	6	A. Not familiar.	4:16:49	6	Q. Chromosomal Labs?
4:14:56	7	Q. Okay. Genetrack Biolabs?	4:16:52	7	A. Yes.
4:14:59	8	A. Again, I've heard of this lab, but I'm not	4:16:52	8	Q. STR kits?
4:15:02	9	familiar with what Genetrack does.	4:16:54	9	A. Yes.
4:15:04	10	Q. University of Illinois at Chicago?	4:16:54	10	Q. Forensics?
4:15:09	11	A. I'm not familiar with them.	4:16:56	11	A. Yes.
4:15:11	12	Q. And we did University of South Florida.	4:16:56	12	Q. Nonforensics?
4:15:14	13	Ethicon?	4:16:59	13	A. Not aware.
4:15:18	14	A. Not familiar with them.	4:17:00	14	Q. Pace University?
4:15:19	15	Q. Now, there was -- oh, there it is, yeah --	4:17:01	15	A. Not familiar.
4:15:26	16	Boston University School of Medicine?	4:17:03	16	Q. CUNY John Jay College?
4:15:29	17	A. Not familiar with them.	4:17:08	17	A. Yes.
4:15:31	18	Q. University of Southern Mississippi?	4:17:08	18	Q. STR kits?
4:15:34	19	A. Not familiar with them.	4:17:10	19	A. Yes.
4:15:35	20	Q. Microchip Biotechnologies?	4:17:10	20	Q. Forensics?
4:15:38	21	A. Not familiar with them.	4:17:11	21	A. Yes.
4:15:40	22	Q. IVK Labs Corporation?	4:17:11	22	Q. Nonforensics?
4:15:42	23	A. Not familiar with them.	4:17:12	23	A. Not aware of nonforensics.
4:15:43	24	Q. University of Texas at Arlington?	4:17:15	24	Q. Arizona State University?
4:15:46	25	A. Not familiar with them.	4:17:17	25	A. Not familiar.
Page 139			Page 141		
4:15:47	1	Q. University of North Texas?	4:17:18	1	Q. Human Identification Technologies, Inc.?
4:15:50	2	A. Yes.	4:17:24	2	A. I have no personal knowledge of them.
4:15:50	3	Q. Do you know what they do?	4:17:26	3	Q. Okay. National Institute of Standards?
4:15:52	4	A. I do.	4:17:30	4	A. Yes.
4:15:53	5	Q. Do they use STR kits?	4:17:30	5	Q. STR kits?
4:15:54	6	A. They do.	4:17:32	6	A. Yes.
4:15:55	7	Q. And do you know what purpose?	4:17:32	7	Q. Forensic?
4:15:56	8	A. Yes.	4:17:33	8	A. Yes.
4:15:57	9	Q. Forensic?	4:17:33	9	Q. Nonforensic?
4:15:58	10	A. Yes.	4:17:35	10	A. Yes.
4:15:58	11	Q. Nonforensic?	4:17:35	11	Q. What kind of nonforensic?
4:15:59	12	A. Teaching of forensics.	4:17:37	12	A. Research.
4:16:01	13	Q. Okay. Any nonforensic use of STRs that you	4:17:37	13	Q. With STR kits?
4:16:04	14	know of?	4:17:39	14	A. Yes.
4:16:04	15	A. Not that I'm aware of.	4:17:39	15	Q. Okay. And how do you know that?
4:16:06	16	Q. Okay. National Jewish Center in Denver?	4:17:41	16	A. Dr. John Butler heads that laboratory and
4:16:12	17	A. Not familiar with them.	4:17:44	17	he frequently publishes -- is a very well-known DNA
4:16:13	18	Q. University of Nebraska?	4:17:50	18	analyst.
4:16:15	19	A. Not familiar.	4:17:51	19	Q. Okay. Veracity Biotechnology, LLC?
4:16:16	20	Q. University of New Haven?	4:17:56	20	A. Not familiar.
4:16:25	21	A. I'm aware of fault leaders in the forensic	4:17:57	21	Q. Genequest DNA Analysis Labs?
4:16:31	22	community that are based out of the University of	4:18:01	22	A. Not familiar.
4:16:33	23	New Haven.	4:18:03	23	Q. John -- Johns Hopkins University?
4:16:34	24	Q. Okay. But not any more than that?	4:18:11	24	A. Not familiar with any STR use.
4:16:37	25	A. Correct.	4:18:15	25	Q. Okay. That's one specific one that we have

36 (Pages 138 to 141)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 142		Page 144	
14:18:20	1 in our 30 (b)(6), so let's go to Johns Hopkins.	14:20:35	1 talked about before lunch how the calls come in,
14:18:25	2 A. Okay.	14:20:38	2 where they might go, etcetera.
14:18:25	3 Q. Page -- sorry, paragraph 16 of Exhibit 1.	14:20:40	3 A. Right.
14:18:31	4 A. Okay.	14:20:40	4 Q. And then how data -- the database called
14:18:32	5 Q. Did you have occasion to read that	14:20:43	5 Siebel is maintained. But once that happens and you
14:18:36	6 paragraph before coming to the depo?	14:20:48	6 get an inquiry, does Siebel also take an entry as to
14:18:37	7 A. I did.	14:20:53	7 how that inquiry was handled and resolved?
14:18:38	8 Q. Okay. And are you aware of any information	14:20:56	8 A. Yes.
14:18:43	9 concerning the use of STR kits by Johns Hopkins	14:20:57	9 Q. Okay. So that's spelled out in there?
14:18:47	10 University with respect to any of the four kits	14:21:02	10 A. Interactions are documented in there, so if
14:18:52	11 mentioned in paragraph 16 during the period 2006 to	14:21:06	11 there are follow-up calls or replacements or we need
14:18:55	12 present where those uses were, and I'll use just use	14:21:11	12 to open a service call, that would be documented as
14:19:00	13 the four applications we talked about in paragraph	14:21:16	13 a separate entry in Siebel.
14:19:04	14 I? Do you still remember those four applications?	14:21:18	14 Q. Okay. And so when this call came in from
14:19:07	15 A. I do. That was a lot in your question.	14:21:21	15 Johns Hopkins regarding cell authentication, was
14:19:09	16 Q. Okay.	14:21:24	16 there an indication of how that got resolved?
14:19:10	17 A. So --	14:21:27	17 A. No, it -- it was just an inquiry about CLA.
14:19:10	18 Q. All I'm trying to do, and I'll restate it	14:21:32	18 Q. Okay. And is there a procedure where, if
14:19:13	19 for you --	14:21:37	19 somebody calls in regarding that, that somebody
14:19:13	20 A. Okay.	14:21:41	20 might be sent out to John -- Johns Hopkins to meet
14:19:13	21 Q. -- and that's fine, is try to limit it	14:21:46	21 with the client and then discuss it in more detail?
14:19:16	22 because 16 is now broader than you and I have agreed	14:21:49	22 A. There could be.
14:19:19	23 to talk about; right? So you and I have talked	14:21:50	23 Q. Okay. Is that part of the normal process,
14:19:22	24 about four applications from paragraph 1?	14:21:54	24 or one option, at least?
14:19:25	25 A. Correct.	14:21:55	25 A. That could be an option.
Page 143		Page 145	
14:19:25	1 Q. So I'm going to limit paragraph 16 to just	14:21:57	1 Q. Okay.
14:19:28	2 those four applications. I'm not going to use that	14:21:57	2 A. Yes.
14:19:31	3 whole list that's at the bottom of paragraph 16.	14:21:58	3 Q. And do you know if, in fact, any of your
14:19:33	4 See that?	14:22:02	4 FS -- FAS or technical support people have visited
14:19:34	5 A. Yes.	14:22:05	5 Johns Hopkins?
14:19:34	6 Q. Okay. So are you aware of use of STR kits	14:22:06	6 A. I know that they have not.
14:19:40	7 by Johns Hopkins University with respect to the four	14:22:07	7 Q. They have not.
14:19:44	8 kits mentioned in paragraph 16 during the period	14:22:09	8 Ever?
14:19:47	9 2006 to present for any of the four applications you	14:22:09	9 A. No one on my team has been into John --
14:19:51	10 and I have agreed to talk about?	14:22:14	10 Johns Hopkins.
14:19:55	11 A. Yes.	14:22:15	11 Q. Okay. And how do you know that?
14:19:55	12 Q. Okay. And what was that?	14:22:20	12 A. Because I, in preparation for today, I
14:19:57	13 A. Johns Hopkins has contacted HID tech	14:22:25	13 inquired of them about their knowledge, again, about
14:20:04	14 support to ask questions about cell line	14:22:29	14 this list of accounts.
14:20:08	15 authentication.	14:22:31	15 Q. Okay. So we talked about paragraph 16.
14:20:08	16 Q. Okay. And who did they contact?	14:22:33	16 Let's finish off Johns Hopkins with paragraphs 42
14:20:10	17 A. Human identity tech support. I believe it	14:22:37	17 and 67. Paragraph 42's on page 19 of Exhibit 1.
14:20:15	18 was Lisa Ortuno, but I'm not certain.	14:22:47	18 A. Yes.
14:20:17	19 Q. Okay. And did you learn that from your	14:22:48	19 Q. And this is one of these which specifies
14:20:19	20 search that we talked about?	14:22:54	20 the technical service center?
14:20:22	21 A. I did.	14:22:56	21 A. Yes.
14:20:22	22 Q. Okay. Was there a follow-up to that	14:22:57	22 Q. Okay. And you would have that information
14:20:27	23 inquiry concerning cell authentication?	14:23:01	23 insofar as it was relayed on to you; right, about
14:20:31	24 A. Not that I'm aware of.	14:23:07	24 Johns Hopkins?
14:20:32	25 Q. Okay. How do those follow-ups work? We	14:23:09	25 A. Yes, as their interactions with my team.

37 (Pages 142 to 145)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 146		Page 148	
14:23:13	1 Q. Right. And if the -- any inquiry at the	14:25:19	1 A. Yes.
14:23:17	2 technical service center, to the extent it wasn't	14:25:20	2 Q. Okay. Have any of your field application
14:23:20	3 forwarded on, you -- your search wouldn't have that	14:25:22	3 specialists done an onsite visit at Yale?
14:23:23	4 information?	14:25:27	4 A. No.
14:23:23	5 A. Correct.	14:25:27	5 Q. Okay. Are you aware that Yale University
14:23:24	6 Q. Okay. Does the technical service center	14:25:31	6 uses STR kits?
14:23:28	7 also put information into Siebel?	14:25:32	7 A. I'm not.
14:23:31	8 A. It is my understanding they do, yes.	14:25:33	8 Q. Okay. Who among your FAS people would have
14:23:34	9 Q. Okay. All right. So as we sit here now,	14:25:38	9 Yale in their territory?
14:23:40	10 can you add anything further to what you know about	14:25:41	10 A. I'm sorry, I shouldn't -- where's Yale
14:23:43	11 Johns Hopkins, other than what we talked about in	14:25:44	11 located geographically?
14:23:46	12 paragraph 16, as to the subject matter of paragraph	14:25:46	12 Q. Oh, Connecticut.
14:23:50	13 42?	14:25:49	13 A. Sorry. That would be Martin Danus'
14:23:51	14 A. No.	14:25:57	14 territory.
14:23:51	15 Q. Okay. Moving to paragraph 67, which is on	14:25:57	15 Q. And did you speak with Mark Danus about
14:24:02	16 page 23 of Exhibit 1.	14:26:01	16 Yale prior to this deposition?
14:24:03	17 A. Yes.	14:26:01	17 A. I've never had a conversation with Mark
14:24:04	18 Q. This is another Johns Hopkins-specific	14:26:05	18 Danus regarding Yale.
14:24:06	19 question, and this is the in-house, onsite testing	14:26:05	19 Q. Okay. Let's go to paragraph 43. I take it
14:24:11	20 question that we've talked about before.	14:26:19	20 your answer for 17 is probably the same for 43, you
14:24:13	21 A. Yes.	14:26:23	21 have no information in this regard?
14:24:13	22 Q. Are you aware of any in-house testing on	14:26:24	22 A. That is correct.
14:24:17	23 behalf or related to Johns Hopkins' use of STR kits	14:26:25	23 Q. Okay. Paragraph 67?
14:24:22	24 specified in paragraph 67?	14:26:32	24 A. The same.
14:24:24	25 A. I'm not.	14:26:33	25 Q. The same here.
Page 147		Page 149	
14:24:25	1 Q. Are you aware of any onsite testing?	14:26:33	1 And once again, as far as applications,
14:24:27	2 A. I'm not.	14:26:36	2 technical support, we'd have to ask Paul?
14:24:27	3 Q. Okay. And, again, we talked about the fact	14:26:38	3 A. Correct.
14:24:31	4 that the applications technical support team is a	14:26:38	4 Q. Okay. Let's go to paragraph 18, University
14:24:34	5 different group than yours?	14:26:44	5 of Minnesota. Did you have occasion to search that
14:24:35	6 A. Yes.	14:26:47	6 institution prior to your deposition?
14:24:35	7 Q. And that your search would not have popped	14:26:50	7 A. I did.
14:24:37	8 up their interactions?	14:26:50	8 Q. Any results?
14:24:40	9 A. Correct.	14:26:56	9 A. I believe there was a result for the
14:24:41	10 Q. That's the gentleman Paul we'd have to	14:26:59	10 University of Minnesota. I do not recall the
14:24:44	11 speak to?	14:27:02	11 context of it.
14:24:45	12 A. Paul Galgano.	14:27:03	12 Q. Okay. Did you present that to counsel?
14:24:46	13 Q. Right. Okay. And that is Johns Hopkins.	14:27:04	13 A. I did.
14:24:51	14 So we did Johns Hopkins. Let's go back to	14:27:05	14 Q. Okay. Have any of your field application
14:24:56	15 paragraph 17 and do Yale. And I take it your search	14:27:09	15 specialists done an onsite visit at University of
14:25:01	16 that was institution specific listed Yale at one	14:27:13	16 Minnesota regarding STR kits?
14:25:05	17 point?	14:27:15	17 A. No.
14:25:05	18 A. It did.	14:27:15	18 Q. Okay. Who would cover University of
14:25:06	19 Q. Okay. And that was the search Ms. Bishop	14:27:18	19 Minnesota among your three FAS people?
14:25:11	20 did?	14:27:23	20 A. I believe that would be Mark Danus as well.
14:25:11	21 A. Yes.	14:27:26	21 Q. Again? Really?
14:25:11	22 Q. Did you get any results for Yale?	14:27:27	22 A. Yes.
14:25:14	23 A. I don't recall that I did.	14:27:27	23 Q. Okay. Have you ever had a conversation
14:25:16	24 Q. Okay. If you had, would you have presented	14:27:29	24 with Mark Danus about the University of Minnesota
14:25:19	25 them to counsel?	14:27:32	25 and its use of STR kits?

38 (Pages 146 to 149)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 150			Page 152		
4:27:34	1	A. No.	14:29:30	1	field of forensics or paternity?
4:27:34	2	Q. University of Minnesota's also at	14:29:32	2	A. No.
4:27:40	3	paragraphs 44 and 69. Let's go to 44, which is on	14:29:33	3	Q. Okay. I think we did University of
4:27:45	4	page 19.	14:29:42	4	Minnesota. University of Wisconsin starts at
4:27:45	5	A. Yes.	14:29:44	5	paragraph 19.
4:27:46	6	Q. Same answer there, or anything more to add	14:29:50	6	Did you have occasion prior to this
4:27:50	7	regarding the University of Minnesota and your	14:29:51	7	deposition to specifically search for University of
4:27:52	8	knowledge of their STR kit use?	14:29:56	8	Wisconsin in the manner you described before lunch?
4:27:53	9	A. Same answer and nothing more to add.	14:29:58	9	A. Yes.
4:27:56	10	Q. Okay. Paragraph 69?	14:29:59	10	Q. And any hits?
4:28:02	11	A. Same answer and nothing more to add.	14:29:59	11	A. Not that I recall.
4:28:04	12	Q. Okay. Not aware of any onsite testing at	14:30:00	12	Q. Okay. Who on your FAS team would handle
4:28:07	13	University of Minnesota?	14:30:03	13	University of Wisconsin?
4:28:08	14	A. No.	14:30:08	14	A. I believe that would be Mark Danus again.
4:28:08	15	Q. Any in-house testing at University of	14:30:11	15	Q. Okay. He's a busy guy.
4:28:11	16	Minnesota?	14:30:14	16	A. You're testing my geography.
4:28:11	17	A. No.	14:30:17	17	Q. Have you ever had a conversation with Mark
4:28:11	18	Q. Was University of Minnesota involved in	14:30:20	18	Danus about the use of STR kits at the University of
4:28:14	19	that Identifiler problem that we discussed before	14:30:24	19	Wisconsin?
4:28:17	20	lunch?	14:30:24	20	A. I've not.
4:28:22	21	A. I don't recall.	14:30:25	21	Q. Do you know if there have been any onsite
4:28:24	22	Q. Okay.	14:30:27	22	visits by Mark Danus at the University of Wisconsin?
4:28:24	23	A. I would have to check records.	14:30:30	23	A. I know that there have not been any.
4:28:27	24	Q. Okay. Do you recall whether Lab Corp of	14:30:34	24	Q. Oh, how do you know?
4:28:30	25	America was involved in that Identifiler problem?	14:30:35	25	A. Because, again, I -- I asked my team about
Page 151			Page 153		
4:28:33	1	A. I do.	14:30:39	1	the list of accounts.
4:28:34	2	Q. Okay. Lab Corp buys STR kits?	14:30:40	2	Q. Okay. In the list of accounts that you
4:28:37	3	A. They do.	14:30:43	3	asked your team about, did they say there had been
4:28:38	4	Q. A lot of them?	14:30:47	4	visits at any of the accounts?
4:28:39	5	A. Yes.	14:30:48	5	A. Actually, they said there had not been.
4:28:39	6	Q. A big account?	14:31:01	6	Q. At any of them?
4:28:40	7	A. Yes.	14:31:03	7	A. Correct.
4:28:40	8	Q. Now, who handles that account?	14:31:03	8	Q. Oh, well, let's get the record clear on
4:28:43	9	A. From the support side?	14:31:05	9	that. So let's start with paragraph 16, and I think
4:28:46	10	Q. Yes.	14:31:25	10	up to 39, just so we know what accounts we're
4:28:47	11	A. Lab Corp is -- is -- has multiple	14:31:29	11	talking about. Yes, paragraph 16 to 39. And we've
4:28:53	12	locations, but that would be Melissa Kotkin and	14:31:43	12	gone over Johns Hopkins, Yale, Minnesota --
4:28:57	13	April Orbison.	14:31:47	13	University of Minnesota, University of Wisconsin.
4:28:58	14	Q. Okay. And does Lab Corp use STR kits for	14:31:50	14	We're just about to do University of Colorado at
4:29:03	15	forensic use?	14:31:53	15	paragraph 20.
4:29:04	16	A. Yes.	14:31:54	16	Are there any -- as I'm going through them,
4:29:04	17	Q. Do they use STR kits from LTI for	14:31:57	17	because they go all the way up through Genzyme
4:29:08	18	nonforensic uses?	14:32:01	18	Genetics in paragraph 39 -- are there any that you
4:29:10	19	A. For paternity.	14:32:06	19	recall that there had been an onsite visit by your
4:29:11	20	Q. Okay. Any other use of STR kits by Lab	14:32:10	20	team of FAS or technical support people?
4:29:14	21	Corp that you know of?	14:32:12	21	A. Not that I recall.
4:29:15	22	A. Not that I'm aware of.	14:32:13	22	Q. Okay. Going to paragraph 20 for University
4:29:17	23	Q. Okay. Have you had any conversations with	14:32:20	23	of Colorado, did you have occasion to search
4:29:22	24	any of your FAS or technical support people	14:32:23	24	specifically for this institution prior to the depo?
4:29:25	25	regarding Lab Corp's use of STR kits outside the	14:32:25	25	A. Yes.

39 (Pages 150 to 153)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 154			Page 156		
4:32:26	1	Q. In the Siebel database?	14:34:31	1	A. Mark Danus.
4:32:29	2	A. Yes.	14:34:32	2	Q. Okay. Has Mark Danus ever spoke with you
4:32:30	3	Q. And did you have any hits?	14:34:36	3	about the use of STR kits at the University of
4:32:31	4	A. I don't believe we did.	14:34:41	4	Medicine & Dentistry of New Jersey?
4:32:32	5	Q. Okay. Who handles the University of	14:34:41	5	A. No.
4:32:35	6	Colorado account?	14:34:42	6	Q. Have there been any visits that you're
4:32:36	7	A. That would be April Orbison.	14:34:44	7	aware of by your staff?
4:32:38	8	Q. Okay. Ever had any conversations with	14:34:45	8	A. No.
4:32:41	9	April about the use of STR kits at the University of	14:34:45	9	Q. Okay. University of Medical & -- Medicine
4:32:45	10	Colorado?	14:34:53	10	& Dentistry is also paragraphs 48 and 73.
4:32:45	11	A. No.	14:34:59	11	Forty-eight appears on page 20. Anything to add
4:32:45	12	Q. Okay. Other than the database you searched	14:35:06	12	with regard to paragraph 48?
4:32:55	13	for University of Colorado, do you have access to	14:35:09	13	A. No.
4:32:58	14	any other source of information about University of	14:35:09	14	Q. Okay. And anything to add with regard to
4:33:02	15	Colorado that you didn't access in preparation for	14:35:13	15	paragraph 73, which appears on page 24 of Exhibit 1?
4:33:04	16	this depo?	14:35:17	16	A. No.
4:33:11	17	A. No.	14:35:17	17	Q. Okay. Paragraph 23 is the City of Hope;
4:33:11	18	Q. Okay. So you have access to Siebel?	14:35:24	18	are you familiar with that account?
4:33:14	19	A. Yes.	14:35:25	19	A. I am.
4:33:14	20	Q. But not to SAP?	14:35:25	20	Q. And where is that account?
4:33:17	21	A. Correct.	14:35:27	21	A. I believe it's in California somewhere.
4:33:18	22	Q. Okay.	14:35:31	22	Q. Okay. And did you have occasion to search
4:33:18	23	A. I don't have access to SAP.	14:35:34	23	that prior to the deposition?
4:33:20	24	Q. Okay. And that's the sales database?	14:35:35	24	A. Yes.
4:33:26	25	A. Yes.	14:35:36	25	Q. Any results?
Page 155			Page 157		
4:33:26	1	Q. All right. Finish off University of	14:35:36	1	A. Yes.
4:33:28	2	Colorado with paragraph 46, which appears on	14:35:37	2	Q. And what were those results?
4:33:33	3	paragraph -- page 19 of Exhibit 1. Anything to add	14:35:39	3	A. I don't recall. I seem -- I don't recall.
4:33:38	4	with respect to University of Colorado based on the	14:35:45	4	Q. Okay. Did you present them to counsel?
4:33:41	5	contents of paragraph 46?	14:35:48	5	A. I did.
4:33:42	6	A. No.	14:35:49	6	Q. Okay. And who would handle the City of
4:33:43	7	Q. And moving to paragraph 71, anything to add	14:35:52	7	Hope account on your team?
4:33:52	8	with regard to the University of Colorado based on	14:35:54	8	A. April Orbison.
4:33:54	9	the contents of paragraph 71?	14:35:56	9	Q. Okay. This is one of those California
4:33:55	10	A. No.	14:35:58	10	accounts that would probably get assigned to the new
4:33:56	11	Q. Okay. Paragraph 21 we already did. That's	14:36:01	11	person once you're ready?
4:33:59	12	Virginia Commonwealth University. We did that	14:36:02	12	A. Yes.
4:34:01	13	before lunch.	14:36:03	13	Q. Okay. Did you have a conversation with
4:34:02	14	So let's move to paragraph 22, which is the	14:36:06	14	April regarding the use of STR kits at City of Hope?
4:34:05	15	University of Medicine & Dentistry of New Jersey.	14:36:09	15	A. No.
4:34:10	16	Did you have occasion to search that prior to this	14:36:09	16	Q. Okay. Are you aware of any visits to City
4:34:11	17	deposition?	14:36:13	17	of Hope by your team?
4:34:12	18	A. I don't recall specifically that account	14:36:14	18	A. I'm not.
4:34:19	19	being in the list.	14:36:15	19	Q. Okay. City of Hope is also paragraphs 49
4:34:21	20	Q. Okay. Had it been in the list, would you	14:36:19	20	and 74. If you can go to 49, anything to add with
4:34:25	21	have searched it?	14:36:34	21	regard to the content of 49?
4:34:26	22	A. Yes.	14:36:35	22	A. No.
4:34:26	23	Q. You just don't recall?	14:36:36	23	Q. Okay. Do you know if City of Hope was
4:34:27	24	A. I honestly don't recall.	14:36:38	24	involved in the Identifier problem we talked about
4:34:29	25	Q. Okay. Who handles this account?	14:36:40	25	before?

40 (Pages 154 to 157)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 158			Page 160		
4:36:40	1	A. I believe that they were.	14:38:57	1	we had a typo here, not the University of Mexico but
4:36:41	2	Q. Okay. So they got replacement kits?	14:39:00	2	the University of New Mexico. Do you know how you
4:36:45	3	A. If they received kits of the effected lots,	14:39:05	3	searched it prior to the depo?
4:36:49	4	yes.	14:39:06	4	A. I do recall that it was New Mexico.
4:36:49	5	Q. Okay. Does that help you recall how they	14:39:08	5	Q. Okay. Any results?
4:36:52	6	used kits, STR kits, at the City of Hope?	14:39:10	6	A. I believe there was.
4:36:54	7	A. No.	14:39:11	7	Q. Okay. And do you recall the specifics?
4:36:55	8	Q. You don't know?	14:39:13	8	A. I believe it was a hardware issue.
4:36:55	9	A. I don't.	14:39:16	9	Q. Okay. Do you know what context it was? In
4:36:56	10	Q. Okay. Paragraph 74, which is on page 24 of	14:39:19	10	other words, how they were using the hardware.
4:37:05	11	Exhibit 1, any in-house or onsite testing for the	14:39:22	11	A. No.
4:37:11	12	City of Hope?	14:39:22	12	Q. Okay. So you do not know how they use STR
4:37:12	13	A. Not that I'm aware of.	14:39:27	13	kits at the University of New Mexico?
4:37:13	14	Q. Okay. Since you believe they were part of	14:39:28	14	A. I do not.
4:37:20	15	the Identifiler problem, let me ask it this way:	14:39:29	15	Q. Okay. Who handles that account on your
4:37:25	16	Are you aware of any testing at the City of Hope at	14:39:31	16	team?
4:37:29	17	the time of the Identifiler problem by any of your	14:39:31	17	A. April Orbison.
4:37:32	18	team?	14:39:32	18	Q. All right. Has April ever had a
4:37:33	19	A. I'm not.	14:39:34	19	conversation about the use of STR kits at the
4:37:34	20	Q. Okay. Do you recall seeing any data from	14:39:37	20	University of New Mexico with you?
4:37:39	21	the City of Hope with regard to that Identifiler	14:39:39	21	A. No.
4:37:42	22	problem at the time?	14:39:39	22	Q. Any knowledge of any visits --
4:37:43	23	A. I do not.	14:39:41	23	A. No.
4:37:44	24	Q. Okay. Paragraph 24 is the Henry Ford	14:39:42	24	Q. -- to University of New Mexico?
4:37:52	25	Hospital; are you familiar with this account?	14:39:44	25	A. No.
Page 159			Page 161		
4:37:54	1	A. I'm not.	14:39:44	1	Q. Okay. University of New Mexico's at
4:37:55	2	Q. Okay. Don't know how they use their STR	14:39:47	2	paragraph 51, and that's at page 20. Anything to
4:37:58	3	kits?	14:39:52	3	add with regard to paragraph 51?
4:37:58	4	A. I do not.	14:39:53	4	A. No.
4:37:59	5	Q. Okay. And who on your staff would handle	14:39:53	5	Q. University of Mexico's at 76 on page 25 of
4:38:01	6	the Henry Ford account?	14:39:58	6	Exhibit 1. Anything to add with regard to paragraph
4:38:03	7	A. I do not know where it is geographically.	14:40:03	7	76?
4:38:07	8	Q. Michigan.	14:40:04	8	A. Okay.
4:38:10	9	A. That would probably be Mark Danus.	14:40:05	9	Q. Hackensack is paragraph 26; familiar with
4:38:13	10	Q. Okay. And have you ever had a conversation	14:40:10	10	that account?
4:38:15	11	with Mark Danus about STR kit use at Henry Ford	14:40:10	11	A. I am not.
4:38:18	12	Hospital?	14:40:12	12	Q. Okay. Mark Danus for this one in
4:38:19	13	A. I've not.	14:40:15	13	Hackensack, New Jersey?
4:38:20	14	Q. Were any visits to Henry Ford Hospital by	14:40:17	14	A. Yes.
4:38:23	15	your team?	14:40:17	15	Q. Okay. Any conversation with Mark Danus
4:38:23	16	A. No.	14:40:19	16	about this account?
4:38:23	17	Q. By anyone else at LTI?	14:40:20	17	A. No.
4:38:26	18	A. I don't -- I don't know.	14:40:20	18	Q. Have no idea how they use STR kits?
4:38:29	19	Q. Henry Ford Hospital is also paragraph 50,	14:40:22	19	A. That's correct.
4:38:35	20	which is page 20. Anything to add with regard to	14:40:23	20	Q. Okay. Hackensack is also at paragraphs 52
4:38:41	21	paragraph 50?	14:40:28	21	and 77. Fifty-two is page -- bottom of page 20 of
4:38:41	22	A. No.	14:40:34	22	Exhibit 1. Anything to add about Hackensack?
4:38:42	23	Q. And Henry Ford is paragraph 75.	14:40:37	23	A. No.
4:38:47	24	A. Nothing to add.	14:40:38	24	Q. And paragraph 77, anything to add about
4:38:48	25	Q. Okay. Paragraph 25, hopefully you realized	14:40:44	25	Hackensack?

41 (Pages 158 to 161)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 162			Page 164		
14:40:45	1	A. No.	14:42:31	1	Q. Okay. We talked about M.D. Anderson and we
14:40:45	2	Q. Okay. University of Arizona we covered --	14:42:37	2	actually did the paragraphs. Let's go to paragraph
14:40:50	3	we touched on in Exhibit 4. I noticed, however,	14:42:40	3	30, which is Rutgers. Are you familiar with that
14:40:58	4	that there's both a University of Arizona and a	14:42:44	4	account?
14:41:01	5	Arizona State on some documents, so do you know how	14:42:44	5	A. No.
14:41:06	6	you searched it?	14:42:45	6	Q. Okay. Another Mark Danus account?
14:41:07	7	A. I do not.	14:42:49	7	A. Yes.
14:41:08	8	Q. Okay. Well, let me ask you this just so I	14:42:49	8	Q. Okay. Any conversation with Mark Danus
14:41:11	9	clear the record up: For University of Arizona, do	14:42:51	9	about how STR kits are used at Rutgers?
14:41:14	10	you know that account?	14:42:56	10	A. No.
14:41:15	11	A. I do not.	14:43:01	11	Q. Any visits to Rutgers that you're aware of?
14:41:16	12	Q. Okay. For Arizona State, do you know that	14:43:05	12	A. No.
14:41:18	13	account?	14:43:06	13	Q. Okay. Rutgers has corresponding paragraphs
14:41:18	14	A. I do not.	14:43:10	14	57 and 82. You've seen those paragraphs, similar
14:41:19	15	Q. Okay. All right. Figured I'd cover the	14:43:14	15	paragraphs. Anything to add?
14:41:24	16	bases.	14:43:16	16	A. No.
14:41:24	17	I trust, then, the corresponding paragraphs	14:43:16	17	Q. Okay. Paragraph 31, Washington University
14:41:26	18	of 53 and 78 for University of Arizona you have	14:43:21	18	and the Barnes Jewish Hospital, are you familiar
14:41:29	19	nothing to add?	14:43:25	19	with this account?
14:41:29	20	A. Correct.	14:43:26	20	A. I'm not.
14:41:30	21	Q. Okay. Paragraph 28, University of	14:43:27	21	Q. You're not.
14:41:32	22	Pittsburgh, and paragraph 28 has both University of	14:43:27	22	You don't know that the Barnes Jewish
14:41:37	23	Pittsburgh and University of Pittsburgh Medical	14:43:29	23	Hospital is a major transplant center?
14:41:39	24	Center. I don't know if you had a chance to search	14:43:33	24	A. I do not.
14:41:42	25	both prior to this deposition.	14:43:34	25	Q. Okay. Who would handle that account?
Page 163			Page 165		
14:41:44	1	A. I don't -- I don't know how it was searched	14:43:38	1	That's in St. Louis, Missouri.
14:41:47	2	specifically.	14:43:42	2	A. That would be Mark Danus.
14:41:47	3	Q. Okay. Do you recall anything coming back	14:43:43	3	Q. Okay. Any conversations with him about
14:41:50	4	from --	14:43:45	4	Washington University's use of STR kits?
14:41:50	5	A. I do not.	14:43:48	5	A. No.
14:41:51	6	Q. -- Pittsburgh? Okay.	14:43:48	6	Q. Any visits, to your knowledge?
14:41:53	7	Again, another Mark Danus account?	14:43:49	7	A. No.
14:41:54	8	A. Yes.	14:43:50	8	Q. Okay. Wash U has a corresponding paragraph
14:41:55	9	Q. Any conversation with Mark Danus about the	14:43:54	9	58 and 83. Oh, and I have a note here. I got to
14:41:56	10	University of Pittsburgh?	14:44:01	10	ask you another question. But let's do 58 and 83.
14:41:57	11	A. No.	14:44:04	11	Anything to add with 58?
14:41:58	12	Q. How about the University of Pittsburgh	14:44:05	12	A. No.
14:42:00	13	Medical Center?	14:44:06	13	Q. Eighty-three?
14:42:00	14	A. No.	14:44:06	14	A. No.
14:42:01	15	Q. Any personal knowledge about how they might	14:44:07	15	Q. I notice in some of the documents that
14:42:03	16	use STR kits at the University of Pittsburgh?	14:44:09	16	we've seen the indication, all capitals "BJC" and
14:42:06	17	A. I do not.	14:44:15	17	then "Health Systems." Are you familiar with that
14:42:06	18	Q. Anything to add with regard to the	14:44:18	18	account?
14:42:08	19	University of Pittsburgh in the corresponding	14:44:20	19	A. No.
14:42:12	20	paragraphs 54 and 55? Because we broke them out	14:44:20	20	Q. Okay. Because I Googled that and it was
14:42:16	21	there. That's on page 21.	14:44:23	21	Barnes -- it was the Barnes Jewish, but it didn't,
14:42:21	22	A. No, nothing to add.	14:44:27	22	you know, on your documents, it didn't list it like
14:42:22	23	Q. Okay. And similarly, we broke them out to	14:44:30	23	that, so I thought you might know it another way.
14:42:26	24	79 and 80 on page 25.	14:44:32	24	A. No.
14:42:30	25	A. Nothing to add.	14:44:33	25	Q. Okay. So you don't have any knowledge

42 (Pages 162 to 165)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 166			Page 168		
14:44:36	1	about STR kit use at BJC Health Systems?	14:46:22	1	Mr. Hall was designated to talk about sales.
14:44:39	2	A. No.	14:46:27	2	MR. CARROLL: Understood.
14:44:40	3	Q. Okay. Paragraph 32, University of Southern	14:46:28	3	Q. We did University of Cal, paragraph 22.
14:44:46	4	California, familiar with this account?	14:46:32	4	There are corresponding paragraphs 59 and 84.
14:44:47	5	A. No.	14:46:36	5	Fifty-nine shows up, I think, on page 22. Yes, top
14:44:47	6	Q. Okay. And who's handling this account	14:46:42	6	of page 22. Anything to add there?
14:44:51	7	while you're waiting to hire another person?	14:46:45	7	A. No.
14:44:53	8	A. That would be April Orbison.	14:46:46	8	Q. And paragraph 84 shows up on page 26.
14:44:54	9	Q. And has she ever spoken to you about this	14:46:50	9	Anything to add there?
14:44:58	10	case?	14:46:51	10	A. No.
14:44:58	11	A. No.	14:46:52	11	Q. The H. Lee Moffitt Cancer Center is on
14:44:59	12	Q. Any visits to this account?	14:46:59	12	paragraph 33.
14:45:00	13	A. No.	14:47:00	13	A. Yes.
14:45:00	14	Q. Okay. Is -- now we've gone through a	14:47:00	14	Q. Familiar with this account?
14:45:08	15	number of these where you're not familiar with them.	14:47:02	15	A. I am.
14:45:11	16	Is there anybody in the corporation for the ones	14:47:03	16	Q. Okay. And how is that?
14:45:13	17	that you're not familiar with who would have more	14:47:04	17	A. They have contacted our tech support center
14:45:15	18	knowledge about the accounts and how they're using	14:47:12	18	with questions regarding cell line authentication
14:45:17	19	STRs? For example, the sales side of the business.	14:47:18	19	and chimerisms.
14:45:24	20	A. Yes.	14:47:20	20	Q. Okay. And the chimerism was in the context
14:45:24	21	Q. Okay.	14:47:23	21	of transplants?
14:45:25	22	A. Yes.	14:47:26	22	A. I don't know.
14:45:25	23	Q. They might know?	14:47:28	23	Q. Do you know much about use of STR kits in
14:45:26	24	A. Yes.	14:47:30	24	the context of chimerisms?
14:45:27	25	Q. Danny might know?	14:47:31	25	A. I don't.
Page 167			Page 169		
14:45:27	1	A. Danny might know.	14:47:32	1	Q. Do you know who took that call from the Lee
14:45:29	2	Q. Okay. And what's Danny's position? If you	14:47:36	2	Moffitt Cancer Center?
14:45:32	3	know.	14:47:36	3	A. I do.
14:45:33	4	A. He's the district manager for human	14:47:36	4	Q. Who's that?
14:45:36	5	identification sales.	14:47:37	5	A. Lisa Ortuno.
14:45:37	6	Q. And do you know his territory? Is it like	14:47:38	6	Q. Okay. Do you recall having any
14:45:40	7	yours?	14:47:41	7	conversations with Lisa Ortuno about the use of STR
14:45:40	8	A. His is more east/west in the United States.	14:47:45	8	kits at the H. Lee Moffitt Cancer Center?
14:45:45	9	Q. Okay. Are there other district managers	14:47:49	9	A. Not specifically about the use of STR kits,
14:45:47	10	for sales?	14:47:52	10	no.
14:45:49	11	A. There are very recently, yes. It was	14:47:52	11	Q. Have there been any visits to that cancer
14:45:52	12	divided.	14:47:55	12	institute?
14:45:53	13	Q. Okay. So you think Danny would probably be	14:47:55	13	A. No.
14:45:58	14	more knowledgeable about what's potentially being	14:47:55	14	Q. All right. Paragraph 33 is specific to the
14:46:02	15	sold to these customers?	14:48:02	15	Lee Moffitt Cancer Center, as are paragraphs 60 and
14:46:03	16	A. Yes.	14:48:07	16	85. Sixty is on page 22. Anything to add there?
14:46:04	17	Q. Okay.	14:48:15	17	A. No.
14:46:04	18	A. My team and I has only knowledge if these	14:48:15	18	Q. Paragraph 85 is on page 26. Anything to
14:46:08	19	customers contact us or a troubleshooting or an	14:48:19	19	add there?
14:46:13	20	inquiry.	14:48:20	20	A. No.
14:46:13	21	Q. Support side?	14:48:20	21	Q. Paragraph 34 is the University of Alabama
14:46:14	22	A. Yes.	14:48:27	22	at Birmingham; are you familiar with that account?
14:46:14	23	MS. JOHNSON: And I believe that	14:48:29	23	A. I am.
14:46:17	24	Ms. Shepherd was designated to talk about support	14:48:30	24	Q. Okay. Is that an account you handle?
14:46:20	25	and troubleshooting of these categories, and	14:48:33	25	A. It has been in the past. I attended

43 (Pages 166 to 169)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 170		Page 172	
14:48:36	1 graduate school there.	14:50:44	1 all over the country.
14:48:37	2 Q. Okay. Familiar with STR use there?	14:50:46	2 A. There are.
14:48:41	3 A. In the forensic teaching program, yes.	14:50:46	3 Q. I worried that this might be something
14:48:44	4 Q. Any -- any knowledge of STR use at the	14:50:51	4 within one of those Children's Hospitals. Are you
14:48:47	5 University of Alabama at Birmingham that's not	14:50:53	5 aware of that?
14:48:49	6 forensic?	14:50:55	6 A. I'm not familiar with this account. I am
14:49:00	7 A. Yes.	14:50:59	7 aware that there are numerous Children's Hospitals
14:49:00	8 Q. Okay. And what was that?	14:51:01	8 across the country.
14:49:04	9 A. I don't know what they're doing with the	14:51:02	9 Q. Right. Let's talk about Children's
14:49:08	10 kits, but I know that they purchase STR kits.	14:51:07	10 Hospital in Cincinnati. Are you familiar with that
14:49:13	11 Q. Not for forensic use?	14:51:10	11 account?
14:49:15	12 A. I don't know what they're doing with them.	14:51:10	12 A. I'm not.
14:49:17	13 Q. Okay. Did they come up on your search?	14:51:11	13 Q. You're not. Okay.
14:49:22	14 A. Yes.	14:51:12	14 How about Children's Hospital in Boston?
14:49:22	15 Q. Was there a hit?	14:51:14	15 A. I'm not.
14:49:24	16 A. Yes.	14:51:15	16 Q. Okay. Any Children's Hospital that you are
14:49:24	17 Q. Okay. And what was that about?	14:51:18	17 familiar with that buys STR kits?
14:49:26	18 A. They were from the Forensic Teaching	14:51:22	18 A. No.
14:49:30	19 Institute, yes.	14:51:22	19 Q. Okay. I saw, just in case this rings a
14:49:32	20 Q. Okay. Anything else?	14:51:26	20 bell, I saw Children's Memorial in some of the
14:49:33	21 A. No.	14:51:30	21 documents; does that account ring a bell?
14:49:34	22 Q. Paragraph 34 has corresponding paragraph 61	14:51:33	22 A. Does not.
14:49:39	23 and 86. Sixty-one is on paragraph -- page 22 of	14:51:34	23 Q. Okay. Children's Oncology Group has
14:49:44	24 Exhibit 1. Anything to add there?	14:51:38	24 corresponding paragraphs 63 and 88. I take it you
14:49:46	25 A. No.	14:51:42	25 have nothing to add for 63?
Page 171		Page 173	
14:49:46	1 Q. And paragraph 86 is at the bottom of page	14:51:43	1 A. Correct.
14:49:50	2 26 of Exhibit 1. Anything to add there?	14:51:44	2 Q. Nothing to add for 88?
14:49:52	3 A. No.	14:51:45	3 A. Correct.
14:49:52	4 Q. Paragraph 35 is the Carbone Cancer Center.	14:51:46	4 Q. Paragraph 37 is a company called SeqWright
14:49:56	5 Are you familiar with that institute?	14:51:49	5 DNA Technology Services; are you familiar with them?
14:49:57	6 A. I am not.	14:51:53	6 A. I am. Oh, I'm sorry, I've heard of them,
14:49:58	7 Q. Did it -- was it searched?	14:51:57	7 and I searched them.
14:50:04	8 A. I don't believe. I don't recall.	14:51:58	8 Q. Oh, any hits?
14:50:06	9 Q. Okay. Do you know who handles this	14:52:00	9 A. Not that I recall.
14:50:13	10 account?	14:52:01	10 Q. Okay. Do you know what they do with STR
14:50:13	11 A. I don't know.	14:52:05	11 kits?
14:50:14	12 Do you know where it's located?	14:52:05	12 A. I don't.
14:50:16	13 Q. In this case I don't. I'm stumped.	14:52:05	13 Q. And who would handle that account?
14:50:18	14 A. I don't know where that is.	14:52:08	14 A. Where is that located?
14:50:19	15 Q. Okay. So nothing on paragraph 35. It has	14:52:09	15 Q. I don't know right offhand. Okay.
14:50:22	16 corresponding paragraph 62 and 87. Anything to add	14:52:14	16 A. Sorry.
14:50:26	17 for 62?	14:52:14	17 Q. SeqWright, paragraph 37, has corresponding
14:50:27	18 A. No.	14:52:17	18 paragraphs 64 and 89. Sixty-four shows up on
14:50:28	19 Q. Eighty-seven?	14:52:25	19 paragraph -- I think it straddles page 22 and 23 of
14:50:29	20 A. No.	14:52:30	20 Exhibit 1. Anything to add there?
14:50:29	21 Q. Paragraph 36 is Children's Oncology Group;	14:52:32	21 A. No.
14:50:35	22 are you familiar with this account?	14:52:33	22 Q. And paragraph 89 shows up on page 27.
14:50:36	23 A. I'm not.	14:52:37	23 Anything to add there?
14:50:37	24 Q. Okay. I worried that -- because we saw in	14:52:38	24 A. No.
14:50:42	25 some of the documents there's Children's Hospitals	14:52:38	25 Q. Paragraph 38 of Exhibit 1 refers to

44 (Pages 170 to 173)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 174			Page 176		
14:52:46	1	Bio-Synthesis, Inc.; are you familiar with that	14:54:44	1	Q. Colleague. Okay.
14:52:49	2	account?	14:54:46	2	A. Yes.
14:52:49	3	A. No.	14:54:46	3	Q. Is she on the sales side?
14:52:50	4	Q. It has corresponding paragraphs 65 and 90.	14:54:48	4	A. She's in the marketing department.
14:52:57	5	I take it nothing to add for either of those?	14:54:50	5	Q. Marketing department. Okay.
14:53:00	6	A. Correct.	14:54:51	6	Do you know if she does marketing
14:53:00	7	Q. Paragraph 39 is Genzyme Genetics. I've	14:54:54	7	development for STR kits?
14:53:04	8	seen that on some of the documents. Did you have	14:54:56	8	A. Yes.
14:53:06	9	occasion to search that?	14:54:56	9	Q. Okay.
14:53:07	10	A. I did.	14:54:57	10	A. She does.
14:53:07	11	Q. Did you get any hits?	14:54:58	11	Q. All right. I think we finished the
14:53:08	12	A. I did.	14:55:08	12	institution-specific paragraphs that we set forth in
14:53:09	13	Q. And what was the nature of those hits?	14:55:13	13	Exhibit 1. Are there any accounts which you are
14:53:11	14	A. I don't recall specifically, but I did	14:55:33	14	familiar with not listed in the 30 (b)(6) deposition
14:53:16	15	provide that to counsel.	14:55:39	15	notice which you know use LTI/ABI STR kits for
14:53:17	16	Q. To counsel. Okay.	14:55:51	16	nonforensic purposes?
14:53:18	17	Do you have a general knowledge of what	14:56:02	17	A. No.
14:53:20	18	Genzyme Genetics is doing with STR kits?	14:56:02	18	Q. None?
14:53:23	19	A. I do not.	14:56:05	19	A. Not that I'm personally aware of.
14:53:24	20	Q. Okay. Is there a market development person	14:56:08	20	MR. CARROLL: Okay. Why don't we take a
14:53:29	21	that you can point me to who is either monitoring or	14:56:45	21	five-minute break. I'm just going to search this
14:53:33	22	actively studying where the clinical market is going	14:56:47	22	through. I think we may be ready for Danny.
14:53:39	23	for STR kits at Life Tech?	14:56:49	23	MS. JOHNSON: Okay.
14:53:42	24	MS. JOHNSON: Object to the extent it's	14:56:50	24	MR. CARROLL: If he's available.
14:53:43	25	beyond the scope.	14:56:51	25	MS. JOHNSON: He is. He needs just a
Page 175			Page 177		
14:53:44	1	If she knows from her personal knowledge,	14:56:52	1	couple minutes to get here, so we'll give him a
14:53:48	2	she can answer.	14:56:56	2	call.
14:53:48	3	THE WITNESS: I don't know.	14:56:56	3	THE VIDEOGRAPHER: Off the record. The
14:53:49	4	BY MR. CARROLL:	14:56:57	4	time is 2:56.
14:53:50	5	Q. You don't know a marketing development-type	14:56:59	5	(Brief recess.)
14:53:53	6	person?	15:04:46	6	THE VIDEOGRAPHER: Back on the record at
14:53:53	7	A. I know a marketing development person for	15:04:56	7	3:04.
14:53:56	8	human identification, but I understood your question	15:04:57	8	MR. CARROLL: So given the materials I have
14:53:57	9	to be for clinical diagnostic.	15:05:01	9	right now, I think probably the best thing would be
14:54:00	10	Q. That's right. That's right.	15:05:04	10	to move on with Danny.
14:54:01	11	A. And I don't believe that exists.	15:05:05	11	So I'm done with my questions for you
14:54:02	12	Q. Okay. How about for human identity, who do	15:05:07	12	today. Thank you.
14:54:06	13	you know is the marketing development person?	15:05:07	13	THE WITNESS: Thanks.
14:54:10	14	A. The manager of global marketing is Lisa	15:05:08	14	
14:54:14	15	Schade, and that's S-c-h-a-d-e.	15:05:08	15	EXAMINATION
14:54:17	16	Q. Okay. And is she senior? Is that a pretty	15:05:09	16	
14:54:21	17	senior position?	15:05:09	17	BY MS. JOHNSON:
14:54:21	18	A. Yes.	15:05:09	18	Q. Ms. Shepherd, I just have one question just
14:54:23	19	Q. Who is Adriana Wheaton? If you know.	15:05:11	19	to clarify, and I'm looking at Deposition Exhibit
14:54:28	20	A. Ariana Wheaton.	15:05:14	20	No. 1, which is your -- the 30 (b)(6) notice of
14:54:28	21	Q. Ariana? Okay.	15:05:19	21	deposition. And I'm looking specifically at
14:54:36	22	A. A-r-i-a-n-a, Wheaton, W-h-e-a-t-o-n. She's	15:05:21	22	paragraphs 15, starting on page 4, through 39 on
14:54:36	23	the U.S. HID marketing manager.	15:05:29	23	page 17 of that notice.
14:54:40	24	Q. Okay. Is she senior to you?	15:05:31	24	Now, counsel went through each of those
14:54:42	25	A. She would be my colleague.	15:05:34	25	paragraphs with you. Do you recall that?

45 (Pages 174 to 177)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

<p style="text-align: right;">Page 178</p> <p>15:05:35 1 A. I do.</p> <p>15:05:36 2 Q. And those paragraphs list a number of</p> <p>15:05:39 3 specific institutions.</p> <p>15:05:41 4 A. They do.</p> <p>15:05:42 5 Q. And you testified earlier that you asked</p> <p>15:05:45 6 someone to perform a search in the Siebel database</p> <p>15:05:49 7 for hits; is that correct?</p> <p>15:05:50 8 A. Yes.</p> <p>15:05:50 9 Q. And did that search, to your knowledge,</p> <p>15:05:52 10 include all of the institutions listed in paragraphs</p> <p>15:05:55 11 15 through 39 of Exhibit 1?</p> <p>15:05:57 12 A. It did.</p> <p>15:05:59 13 MS. JOHNSON: That's all that I have.</p> <p>15:06:02 14 MR. CARROLL: Very good. Thank you.</p> <p>15:06:03 15 THE VIDEOGRAPHER: This will then conclude</p> <p>15:06:05 16 the 30 (b)(6) deposition of Michelle Shepherd. The</p> <p>15:06:08 17 total number of tapes used today was two, and these</p> <p>15:06:11 18 original videotapes will be retained by Merrill</p> <p>15:06:14 19 Legal Solutions at 20750 Ventura Boulevard, Woodland</p> <p>15:06:16 20 Hills, California. Going off the record. The time</p> <p>15:06:18 21 is 3:06.</p> <p>15:06:20 22 ///</p> <p>23 ///</p> <p>24 ///</p> <p>25</p>	<p style="text-align: right;">Page 180</p> <p>1 STATE OF CALIFORNIA )</p> <p>2 COUNTY OF LOS ANGELES ) ss.</p> <p>3</p> <p>4 I, Philip D. Norris, a Certified Shorthand</p> <p>5 Reporter for the State of California, do hereby</p> <p>6 certify:</p> <p>7 I am the deposition officer that</p> <p>8 stenographically recorded the testimony in the</p> <p>9 foregoing deposition;</p> <p>10 Prior to being examined the deponent was</p> <p>11 first duly sworn by me;</p> <p>12 The foregoing transcript is a true record</p> <p>13 of the testimony given;</p> <p>14 Before completion of the deposition, review</p> <p>15 of the transcript [ ] was [ x ] was not requested.</p> <p>16 If requested, any changes made by the deponent (and</p> <p>17 provided to the reporter) during the period allowed</p> <p>18 are appended.</p> <p>19</p> <p>20 Dated</p> <p>21</p> <p>22</p> <p>23 Philip D. Norris</p> <p>24 CSR NO. 4980</p> <p>25</p>
<p style="text-align: right;">Page 179</p> <p>1 Declaration</p> <p>2</p> <p>3</p> <p>4</p> <p>5 I hereby declare I am the deponent in the</p> <p>6 within matter; that I have read the foregoing</p> <p>7 deposition and know the contents thereof, and I</p> <p>8 declare that the same is true of my knowledge,</p> <p>9 except as to the matters which are therein stated</p> <p>10 upon my information or belief, and as to those</p> <p>11 matters, I believe it to be true.</p> <p>12 I declare under the penalties of perjury</p> <p>13 under the laws of the United States that the</p> <p>14 foregoing is true and correct.</p> <p>15 Executed on the day of ,</p> <p>16 2011, at , California.</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Witness</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	

46 (Pages 178 to 180)

Merrill Corporation - Los Angeles

800-826-0277

www.merrillcorp.com/law

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 1

<b>A</b>	<b>actively</b> 174:22	<b>Allen</b> 3:5 60:24	<b>anybody</b> 23:23	<b>approached</b> 74:16
<b>abbreviation</b> 7:16	<b>acts</b> 67:15	61:5	166:16	<b>appropriately</b>
<b>abbreviations</b> 7:18	<b>actual</b> 57:4 103:25	<b>allow</b> 17:13 39:22	<b>anytime</b> 105:15	71:19 128:18
<b>ABI</b> 8:20,22	107:23	64:4 75:21 104:3	<b>apart</b> 31:25	<b>April</b> 20:24 23:13
<b>able</b> 17:8 25:21	<b>add</b> 34:23 146:10	<b>allowed</b> 84:1	<b>apologize</b> 66:11,17	53:8 54:1 58:4,24
28:7 41:11,13,20	150:6,9,11 155:3	180:17	<b>appear</b> 118:18	110:22,23 111:3
68:20 100:11	155:7 156:11,14	<b>America</b> 150:25	<b>APPEARANCES</b>	151:13 154:7,9
105:16	157:20 159:20,24	<b>amounts</b> 52:4	2:7 3:1	157:8,14 160:17
<b>accepts</b> 60:7	161:3,6,22,24	<b>AmpFLSTR</b> 66:3	<b>appears</b> 59:23	160:18 166:8
<b>access</b> 16:15,19	162:19 163:18,22	68:6 72:12 76:21	114:3 116:4	<b>area</b> 45:6 48:25
18:14 24:24 28:4	163:25 164:15	112:20,21	121:11 155:2	85:24 86:23
89:5 99:19,22	165:11 168:6,9	<b>amplification</b> 57:5	156:11,15	<b>areas</b> 19:22,24
102:5 103:18	169:16,19 170:24	65:16	<b>appended</b> 180:18	49:10 68:23
104:7 106:23	171:2,16 172:25	<b>Amy</b> 3:4 6:1 28:17	<b>application</b> 15:9	<b>Ariana</b> 175:20,21
154:13,15,18,23	173:2,20,23 174:5	28:21	16:3,6,18 17:6	<b>arises</b> 82:16
<b>accessed</b> 106:24	<b>adding</b> 114:23,24	<b>analysis</b> 49:3 75:13	20:6,23 32:25	<b>Arizona</b> 129:18
<b>account</b> 60:21	<b>addition</b> 70:1	141:21	41:3,8 54:20	140:24 162:2,4,5
61:24 98:17,24	<b>additional</b> 60:23	<b>analyst</b> 12:8 141:18	58:17 60:22 62:23	162:9,12,18
99:2 102:7 151:6	<b>adjust</b> 58:1	<b>Analytics</b> 132:13	75:11 82:16,17	<b>Arlington</b> 138:24
151:8 154:6	<b>administration</b>	<b>Anderson</b> 122:16	83:25 84:10 86:18	<b>array</b> 73:1
155:18,25 156:18	127:7,8,9,11	123:6,9,16 124:17	87:3 94:8 95:16	<b>article</b> 37:16
156:20 157:7	<b>Adriana</b> 175:19	124:18 125:5,9,20	97:24 148:2	<b>aside</b> 115:24
158:25 159:6	<b>adventure</b> 6:19	126:5 127:17,18	149:14	<b>asked</b> 41:24 50:10
160:15 161:10,16	<b>affirmatively</b> 86:17	127:21,22,24	<b>applications</b> 13:19	51:11 86:5 106:25
162:10,13 163:7	<b>ago</b> 8:14 11:7 32:9	128:4,5 164:1	15:3 30:19 31:1,4	152:25 153:3
164:4,6,19,25	47:3	<b>Andros</b> 14:14	31:7,16,24 34:20	178:5
165:18 166:4,6,12	<b>agree</b> 16:6 31:15	<b>Angeles</b> 2:3 5:1,20	36:4,6,14,22	<b>asking</b> 7:3 32:5
168:14 169:22,24	34:20 36:3 59:14	136:1 180:2	38:20 41:22 42:12	46:20 51:8 83:8
171:10,22 172:6	80:20	<b>answer</b> 25:20 28:10	43:21,23 45:6	86:13,15 89:9
172:11,21 173:13	<b>agreed</b> 142:22	28:23 29:8 30:23	48:11,18,24 60:24	110:8
174:2	143:10	38:22 40:14,15	61:8 63:2,18 73:1	<b>asks</b> 83:24
<b>accounts</b> 18:22	<b>agreement</b> 71:24	44:9,10 50:20	76:5 78:2 85:16	<b>aspect</b> 9:5 120:14
19:1 24:5 28:13	76:20	54:4 55:6 59:22	85:22 90:15 94:17	<b>assemble</b> 119:8
28:25 91:12,15	<b>Aha</b> 42:21	64:3,5 69:21	96:6,7,14 98:10	<b>assembled</b> 67:21
92:11 96:3 145:14	<b>ahead</b> 44:22 57:9	71:17,20 73:7,16	101:17 124:23	67:23 68:6,7 69:7
153:1,2,4,10	59:2 93:6 99:12	75:21 77:11 81:2	125:6 138:1,2	<b>assigned</b> 15:17
157:10 166:18	<b>al</b> 5:9,10	84:10,13,25 86:6	142:13,14,24	22:5,25 54:25
176:13	<b>Alabama</b> 10:24	86:10 87:17,18	143:2,9 147:4	63:17 157:10
<b>accused</b> 129:1	11:14 135:1	102:3 126:12	149:1	<b>assist</b> 75:17 76:6
<b>acquire</b> 27:7	169:21 170:5	128:17 148:20	<b>applied</b> 1:14 8:2,12	83:3 85:23 86:1
<b>acquisitions</b> 8:10	<b>Albany</b> 130:19,23	150:6,9,11 175:2	8:13,17,19 13:15	<b>assistance</b> 74:7
<b>acting</b> 102:17	131:1 137:16	<b>answered</b> 86:5	13:17 14:12,14,16	<b>assistants</b> 23:23
103:2 105:20	<b>Albert</b> 99:10,15	<b>answering</b> 47:16	14:18,19	<b>assisting</b> 73:11
<b>actions</b> 33:21	100:7	77:8 81:3	<b>apply</b> 33:15 83:19	<b>associated</b> 80:23
	<b>allelic</b> 65:13,14	<b>antibodies</b> 130:15	<b>approach</b> 74:6	100:9

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 2

<b>assume</b> 90:9 127:2 <b>assumed</b> 103:17 <b>assumes</b> 84:24 126:8 <b>Atlanta</b> 23:8 <b>attached</b> 26:14 52:24 108:6 112:8 113:6,15,16 119:3 121:15 <b>attachments</b> 112:25 118:23 <b>attend</b> 47:19 <b>attended</b> 169:25 <b>attention</b> 52:1 <b>attorneys</b> 27:12,16 64:13 <b>attorney's</b> 1:9 88:8 <b>Auburn</b> 10:21 <b>Austin</b> 23:13 <b>authenticate</b> 80:2 <b>authentication</b> 31:12 33:7,24 34:8,22 35:20 42:1 49:19 78:5 78:15,16 79:2,7,8 143:15,23 144:15 168:18 <b>available</b> 78:24 86:21 176:24 <b>average</b> 46:18 <b>avoid</b> 12:20 <b>aware</b> 42:25 60:16 61:9,15,19 62:3 63:1 70:12 75:25 76:10,15 79:2 81:19 94:16 111:14 127:21 129:4 130:18 132:2 134:3,8,17 136:24 138:2 139:15,21 140:13 140:23 142:8 143:6,24 146:22 147:1 148:5 150:12 151:22	156:7 157:16 158:13,16 164:11 172:5,7 176:19 <b>a-l-l-e-l-i-c</b> 65:14 <b>A-r-i-a-n-a</b> 175:22 <b>a.m</b> 2:4 5:2 <hr/> <p style="text-align: center;"><b>B</b></p> <hr/> <b>b</b> 4:7 77:10 88:4 142:1 176:14 177:20 178:16 <b>Bachelor</b> 10:20 <b>back</b> 12:10 32:22 36:14 39:7 52:15 53:8,25 64:10 66:22 68:19 82:4 86:12 88:2 89:12 90:22 95:8 103:2 103:5,20 107:10 110:12 115:19 118:4 122:24 127:20 128:3 136:5 147:14 163:3 177:6 <b>background</b> 10:17 <b>Baltimore</b> 129:21 <b>Barnes</b> 164:18,22 165:21,21 <b>base</b> 43:3 <b>based</b> 19:21 23:11 23:12,13,16,17 45:10 111:25 139:22 155:4,8 <b>basement</b> 46:2 <b>bases</b> 162:16 <b>basis</b> 47:9 54:24 <b>batch</b> 116:9 117:2 <b>Bates</b> 4:10,12,14,16 52:21 54:9 57:14 108:10 114:15 115:20 118:24 119:10 128:6 <b>bear</b> 115:15 <b>bee</b> 133:23 <b>beginning</b> 5:6	54:10 57:13 88:3 115:19 <b>behalf</b> 2:2 75:23 77:9 146:23 <b>BEHLE</b> 2:18 <b>behoove</b> 85:6 <b>belief</b> 77:13 179:10 <b>believe</b> 8:13 9:20 58:2 66:16 67:11 80:20 92:25 99:1 106:11,21 107:11 108:18 117:24 118:14 129:1 138:1 143:17 149:9,20 152:14 154:4 156:21 158:1,14 160:6,8 167:23 171:8 175:11 179:11 <b>believes</b> 77:14 <b>bell</b> 172:20,21 <b>best</b> 25:20 94:6 118:15,24 177:9 <b>better</b> 17:14 40:20 64:3 126:13 <b>beyond</b> 10:22 25:17 39:21 40:13 43:6,7 44:7 64:2 71:16 74:1 77:7 80:25 85:14 87:15 100:24 101:5 128:16 174:25 <b>big</b> 18:13 19:11 24:5 33:1 42:24 43:19 106:10,11 109:7 151:6 <b>Bigger</b> 106:12 <b>Bio</b> 8:19 <b>Biolabs</b> 138:7 <b>biopsy</b> 87:9,11 <b>Biosystems</b> 1:14 8:2,12,12,13,17 13:15,17 <b>Biotechnologies</b> 138:20	<b>Biotechnology</b> 141:19 <b>Bio-Synthesis</b> 174:1 <b>bird</b> 78:9 <b>Birmingham</b> 10:25 169:22 170:5 <b>Bishop</b> 22:18 27:24 91:9 92:13 147:19 <b>Bishop's</b> 93:13 <b>bit</b> 26:17 39:13,16 50:3 119:25 122:7 <b>bite</b> 14:4 <b>BJC</b> 165:16 166:1 <b>board</b> 60:24 <b>Boise</b> 128:5,19 129:5 <b>bone</b> 31:9 32:2,12 32:18,20 34:21 35:19 40:11,24 41:25 54:20 59:3 60:18,22 61:2,17 61:20 63:24,25 64:7 70:6,16 71:8 71:12,25 72:9,21 73:5,12,22 74:8 75:6,19 77:2,4,15 <b>booth</b> 72:5,8,22 74:6,9 <b>Boston</b> 138:16 172:14 <b>bottom</b> 30:2 55:2 114:15 143:3 161:21 171:1 <b>Boulevard</b> 5:18 178:19 <b>bound</b> 85:9,11 <b>bow</b> 107:14 <b>box</b> 67:23 68:2 103:7 <b>Braintree</b> 2:14 <b>break</b> 6:24,24 7:2 31:25 44:21 52:9 87:23 115:22 117:1,5,7 119:9	119:21,22,23 120:19 135:18 136:12 176:21 <b>breaks</b> 6:25 <b>brew</b> 31:12 <b>Brief</b> 52:14 88:1 177:5 <b>briefly</b> 6:23 <b>bring</b> 52:1 123:22 123:24 <b>bringing</b> 109:22 <b>British</b> 132:6 <b>broaden</b> 95:24 114:3 142:22 <b>broke</b> 163:20,23 <b>Brook</b> 58:5 59:16 60:1,17 61:16,19 62:4 63:2 <b>brought</b> 110:11 112:23 <b>BRT</b> 129:21 <b>BTG</b> 131:15 <b>build</b> 117:16 <b>building</b> 23:3 45:2 <b>built</b> 17:13,22 <b>Bureau</b> 11:5,18 <b>bureaus</b> 122:11 <b>Burlington</b> 23:12 <b>business</b> 37:13 40:3 43:12,14 48:4 55:23 58:13 166:19 <b>busy</b> 152:15 <b>Butler</b> 141:16 <b>buy</b> 33:23 122:19 128:13 <b>buying</b> 75:5 85:5 <b>buys</b> 151:2 172:17 <hr/> <p style="text-align: center;"><b>C</b></p> <hr/> <b>Cal</b> 168:3 <b>Calandro</b> 105:4 <b>California</b> 2:3 3:6 5:1,19 23:17 67:12 136:1
---	--	---	--	--

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 3

156:21 157:9 166:4 178:20 179:16 180:1,5 <b>call</b> 15:22 16:4,8,23 17:7,8,10,15 22:7 24:21 37:2,11,14 38:11 41:13 45:4 45:8,13 47:8,25 48:3 49:4,4 55:10 58:18 67:24 75:1 75:3,8 99:15 105:17 117:16 121:5,5,7,8 144:12,14 169:1 177:2 <b>called</b> 25:11,12 41:24 144:4 173:4 <b>caller</b> 41:12 <b>callers</b> 49:20 <b>calling</b> 38:25 48:7 49:21 102:19 <b>calls</b> 10:3 17:3 21:22 23:1 24:3 46:8,9,19 47:5,16 54:2 84:11 89:23 90:4 124:21,21 144:1,11,19 <b>camera</b> 25:25 <b>Canada</b> 19:10 30:16 46:5 68:22 118:3 120:10 <b>Canadian</b> 118:12 <b>cancer</b> 31:10 33:3 122:16 123:9 125:5 168:11 169:2,8,11,15 171:4 <b>capacity</b> 64:5 67:12 77:10 81:4 102:5 <b>capitals</b> 165:16 <b>captured</b> 25:25 <b>Carbone</b> 171:4 <b>Carlsbad</b> 3:6 <b>Carolina</b> 23:12,18 46:4	<b>Carroll</b> 2:9,10 4:4 5:21,21,24,24 6:14 17:18 18:2 18:16,19 25:19 26:3,15 28:15 29:3,13 31:2 32:8 32:16 39:23 40:19 41:4 42:15,18 43:9 44:1,13 46:22 47:1 50:23 52:11,17 53:1 54:7 59:21 60:11 60:14 64:9 65:23 69:25 70:3 72:2 73:20 74:2,19,22 76:9 77:19 81:1,8 83:10 84:18 85:2 86:14 87:22 88:10 92:3,8 108:7 113:7,11 119:6 122:1,4 123:24 124:11 126:15 128:22 136:10 168:2 175:4 176:20,24 177:8 178:14 <b>carrying</b> 57:4 <b>case</b> 1:5 5:13 14:4 45:12 47:24 50:19 57:7 59:14 60:15 79:10 104:23 105:19 106:6 118:19 166:10 171:13 172:19 <b>cases</b> 41:17 67:15 <b>categories</b> 43:25 44:3 88:21 167:25 <b>caused</b> 33:21 <b>caution</b> 28:20 29:6 <b>cc'd</b> 51:4 <b>cell</b> 31:12 33:6,13 33:16,20,24 34:7 34:8,13,14,15,21 35:20 42:1 49:19 78:5,15,15,19	79:2,4,6,7,8,16,17 80:2,8,23 87:20 143:14,23 144:15 168:18 <b>Cellmark</b> 137:17 <b>cells</b> 34:11,16,17 <b>center</b> 44:16,23 45:2,9,23 48:1 58:6 59:16 60:1 60:17 61:16 62:4 63:3 90:5,11,18 93:15 94:9,18,21 95:20 96:13 97:5 122:16 123:10 124:22 125:5 133:8 139:16 145:20 146:2,6 162:24 163:13 164:23 168:11,17 169:2,8,15 171:4 <b>centers</b> 45:5 48:3 <b>central</b> 37:5,7 130:5 137:6 <b>centralized</b> 130:23 <b>certain</b> 8:11 34:10 35:7,12 38:22 41:3 68:5 133:19 143:18 <b>certainly</b> 9:24 14:11 15:2,9 26:1 73:2 84:21 <b>Certified</b> 180:4 <b>certify</b> 180:6 <b>chance</b> 162:24 <b>change</b> 33:21 101:21 <b>changed</b> 8:10 <b>changes</b> 7:25 89:1 101:17 180:16 <b>chapter</b> 107:17 <b>chapter's</b> 107:14 <b>characterization</b> 31:10 <b>charge</b> 94:11 <b>Charles</b> 132:3	<b>check</b> 150:23 <b>checking</b> 87:9 <b>chemistry</b> 83:22 101:10 <b>Chicago</b> 138:10 <b>child</b> 133:17 <b>Children's</b> 171:21 171:25 172:4,7,9 172:14,16,20,23 <b>chimerism</b> 168:20 <b>chimerisms</b> 168:19 168:24 <b>Chino</b> 140:4,5 <b>choose</b> 19:2 <b>Christmas</b> 112:12 <b>Chromosomal</b> 140:6 <b>chunk</b> 42:24 <b>Cincinnati</b> 172:10 <b>circumstance</b> 58:1 <b>circumstances</b> 10:9 10:10 70:19 <b>City</b> 2:22 64:24 65:6,9 67:9,12,22 67:25 68:3,7 106:22 156:17 157:6,14,16,19,23 158:6,12,16,21 <b>civilly</b> 14:3 <b>CLA</b> 144:17 <b>clarify</b> 89:9 102:9 177:19 <b>classified</b> 31:23 <b>classify</b> 32:14 <b>clean</b> 89:12 <b>clear</b> 75:21 110:8 153:8 162:9 <b>client</b> 68:4 144:21 <b>clients</b> 63:24 <b>clinical</b> 28:8 29:5 30:19,25 31:7,11 31:13,13,14,15,23 32:3,7,9,11,15,24 36:5 39:9 43:1,21 72:8 73:21 76:23	76:24 77:18 81:16 81:20 98:16,24 99:1 174:22 175:9 <b>clip</b> 114:17 <b>clone</b> 33:14 <b>cloned</b> 79:4 <b>closely</b> 13:16 <b>coast</b> 21:4,7,14,15 <b>codes</b> 37:6 118:1 119:16 120:7,8 121:18 <b>Cofiler</b> 66:10,18 <b>cold</b> 17:15 <b>colleague</b> 175:25 176:1 <b>colleagues</b> 59:15 64:17,18,21 <b>collecting</b> 12:9 <b>collective</b> 27:4,7 <b>College</b> 140:16 <b>Colorado</b> 153:14 153:23 154:6,10 154:13,15 155:2,4 155:8 <b>Columbia</b> 23:18 46:4 132:6 <b>column</b> 116:1 <b>columns</b> 116:6 121:4,6 <b>combination</b> 8:20 <b>come</b> 15:22 16:23 21:23 25:6 31:5 38:24 45:25 47:25 66:25 68:3 69:5 72:22 74:24 89:12 89:24 93:4 95:22 96:3 97:7 103:20 109:18 119:1,2,3 119:9 120:19 122:12 124:21 144:1 170:13 <b>comes</b> 72:7 93:6 119:10 127:20 <b>comfortable</b> 6:23 <b>coming</b> 12:10
--	---	--	---	---



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 4

65:25 66:22,23 67:8,10,21 90:22 106:6 142:6 163:3 <b>comment</b> 37:5 114:20 115:2,4 <b>comments</b> 114:11 114:22,24 117:14 <b>comment-type</b> 37:7 <b>commercial</b> 13:9 131:20 <b>committed</b> 92:10 <b>common</b> 58:13,14 <b>Commonwealth</b> 93:8,14 94:8,17 94:21 95:4,14,19 96:12,24 97:4 101:16 155:12 <b>communicating</b> 59:23 <b>community</b> 72:15 139:22 <b>companies</b> 8:21 <b>company</b> 8:9 27:1 27:4,8 132:19 137:19 173:4 <b>compare</b> 119:23 <b>comparing</b> 78:20 81:5 87:6 <b>comparison</b> 35:11 <b>complaining</b> 103:21 <b>complaints</b> 111:14 <b>complete</b> 35:15 68:10 <b>completion</b> 180:14 <b>complicated</b> 39:14 39:17 <b>component</b> 103:11 <b>components</b> 65:8 65:12,25 66:23,25 67:8,9,14,21,22 69:4 <b>comport</b> 108:25 <b>compose</b> 58:18 <b>concentration</b>	103:10 <b>concerning</b> 142:9 143:23 <b>concerns</b> 115:6 <b>conclude</b> 178:15 <b>concrete</b> 102:13 <b>conduct</b> 10:1,4 15:13 <b>conducting</b> 12:11 45:5 <b>CONFIDENTIAL</b> 1:8 <b>configuration</b> 68:1 <b>confirmed</b> 35:18 <b>confused</b> 86:9 <b>Connecticut</b> 148:12 <b>consider</b> 40:3 <b>consult</b> 64:12 <b>consumables</b> 76:4 <b>contact</b> 58:5 74:24 75:9 89:19,20 96:1,2 135:15 143:16 167:19 <b>contacted</b> 135:12 143:13 168:17 <b>contacting</b> 112:1 <b>contacts</b> 93:16 96:5 101:14 <b>contained</b> 95:5 97:3 <b>contaminated</b> 34:15 <b>contamination</b> 31:14 34:1,3,22 35:22 <b>content</b> 28:21 92:11 123:18 124:15 157:21 <b>contents</b> 155:5,9 179:7 <b>context</b> 13:25 14:2 135:15 149:11 160:9 168:20,24 <b>continue</b> 122:15	<b>continuing</b> 100:8 <b>contracted</b> 5:17 <b>contributor</b> 78:21 <b>control</b> 104:4 133:8 <b>convenience</b> 113:13 <b>conversation</b> 55:11 58:16 123:15 148:17 149:23 152:17 157:13 159:10 160:19 161:15 163:9 164:8 <b>conversations</b> 151:23 154:8 165:3 169:7 <b>convicted</b> 128:25 <b>convince</b> 85:6 <b>Conyers</b> 23:8 46:2 <b>coordinates</b> 47:17 <b>copied</b> 54:6 <b>copy</b> 51:24 <b>Corp</b> 136:16 150:24 151:2,11 151:14,21 <b>corporate</b> 8:1 87:18 <b>corporation</b> 1:4,12 5:7,9,10 70:24,25 71:2,6 75:24 77:9 80:19,20 138:22 166:16 <b>Corp's</b> 151:25 <b>correct</b> 12:19 16:7 19:16 45:24 59:9 61:22 62:25 69:10 88:23 93:24 96:2 96:16 97:20 98:12 98:15 99:1,4 100:15 101:4 108:19 109:9 124:9,16,25 125:7 125:11 126:2 139:25 142:25 146:5 147:9	148:22 149:3 153:7 154:21 161:19 162:20 173:1,3 174:6 178:7 179:14 <b>corresponding</b> 162:17 163:19 164:13 165:8 168:4 170:22 171:16 172:24 173:17 174:4 <b>cost</b> 57:21 <b>counsel</b> 5:22 29:7 51:22,24 52:1 88:6 123:20,24 147:25 149:12 157:4 174:15,16 177:24 <b>count</b> 19:25 <b>country</b> 67:8 116:9 118:1 172:1,8 <b>COUNTY</b> 180:2 <b>couple</b> 8:14 114:8 128:20 177:1 <b>course</b> 75:10 82:11 <b>court</b> 1:1 5:11,12 6:3 26:23 108:8 <b>cover</b> 21:9 83:6 149:18 162:15 <b>covered</b> 83:9 98:13 162:2 <b>covers</b> 98:6 <b>created</b> 100:10 <b>Crews</b> 93:17 94:11 <b>crime</b> 12:9,9,10 15:11 41:2,8 <b>critical</b> 16:14 67:13 <b>CSR</b> 1:25 2:5 180:23 <b>cue</b> 46:1,11 <b>culture</b> 31:12 33:6 33:13,24 34:8,21 35:20 78:16 79:6 <b>CUNY</b> 140:16 <b>current</b> 9:1 14:7	<b>currently</b> 7:12 19:19,25 21:17,22 23:20 99:10 <b>curriculum</b> 10:2 47:19 <b>customer</b> 10:7 15:22 16:14,24,24 17:2,7,14 18:1,3 37:15,15 41:20 42:6,8 43:3 45:8 45:16 55:12 56:25 57:20 58:9,12,15 59:1,2 60:6 63:5,7 68:4,11,13,14 72:11,18 75:18 76:6 82:7,24 83:4 83:14,22,23,24 84:7 85:4,16 86:4 86:20 103:4,18,21 104:23 105:21 109:8 111:6 122:13,17,19 126:11 128:11 130:20,23 <b>customers</b> 28:7 29:5,12,14,15 33:22 36:21 38:19 40:6,9,22 41:1 45:5,22 71:6 73:5 74:24 76:7 81:16 81:17,19 84:20 85:23 98:25 100:18 102:19 104:3,10 111:15 112:2 122:5,9 133:25 167:15,19 <b>customer's</b> 56:15 82:13 102:23 <b>cycler</b> 49:22 <b>C-a-l-a-n-d-r-o</b> 105:7 <b>C-r-e-w-s</b> 93:17 <hr/> <b>D</b> <hr/> <b>D</b> 1:24 2:4 4:1
--	---	--	---	---

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 5

180:4,22 <b>daily</b> 47:9 <b>Danny</b> 57:11,15,18 126:14 166:25 167:1,13 176:22 177:10 <b>Danny's</b> 167:2 <b>Danus</b> 21:3,11 23:12 148:13,15 148:18 149:20,24 152:14,18,22 156:1,2 159:9,11 161:12,15 163:7,9 164:6,8 165:2 <b>data</b> 12:12 16:19 24:9 37:4,24 103:25 104:4,21 104:25,25 106:5,7 106:16 107:21,23 144:4 158:20 <b>database</b> 16:13,16 17:2,4,8,13,22,25 18:9,23,24,25 36:18,19,19 37:19 38:6 41:10,19 70:10 91:11,18 94:22 95:15 96:12 97:16 99:20,25 100:14 104:17,20 104:22 111:23 126:4,9,20 127:1 144:4 154:1,12,24 178:6 <b>date</b> 5:14 108:22 116:10 <b>Dated</b> 180:20 <b>dates</b> 37:6 <b>Dawson</b> 93:17 94:11 <b>day</b> 12:20 46:9,17 179:15 <b>day-training</b> 54:11 <b>deal</b> 18:21 49:9 <b>deals</b> 49:10 <b>December</b> 108:22	114:4 <b>decision</b> 67:19 <b>Declaration</b> 179:1 <b>declare</b> 179:5,8,12 <b>dedicated</b> 45:17,18 45:21 63:14 75:1 <b>defendants</b> 1:15 2:17 6:2 30:1 <b>define</b> 30:25 76:24 77:1 106:11 <b>definitely</b> 101:13 <b>definition</b> 29:25 30:1 <b>definitions</b> 29:23 29:24 <b>degree</b> 10:19,24 <b>demanding</b> 79:22 80:5 <b>Dentistry</b> 155:15 156:4,10 <b>Denver</b> 139:16 <b>department</b> 11:14 111:7 122:12 127:2 176:4,5 <b>departments</b> 122:10 <b>depend</b> 10:8 <b>depending</b> 57:25 121:4 <b>depends</b> 10:10 46:11 <b>depo</b> 51:9 110:7 123:22,25 142:6 153:24 154:16 160:3 <b>deponent</b> 179:5 180:10,16 <b>deposed</b> 6:20 13:24 <b>deposition</b> 1:19 2:1 4:9 5:7,19 27:1 36:17,20 37:20,24 38:14 41:11 44:14 50:7 51:10 52:19 53:5 59:8 64:2,12 64:14 69:20 71:16	87:15 88:4,18 89:16 108:14 123:9 128:17 148:16 149:6 152:7 155:17 156:23 162:25 176:14 177:19,21 178:16 179:7 180:7,9,14 <b>DER</b> 1:8 <b>described</b> 33:24 97:19 152:8 <b>describes</b> 70:14 <b>description</b> 4:8 9:17,18,19,22,23 116:8 <b>designate</b> 88:7 <b>designated</b> 75:22 167:24 168:1 <b>designed</b> 56:5 78:23 <b>detail</b> 37:13 113:13 144:21 <b>detailed</b> 124:15 <b>determine</b> 41:12 80:22 95:11,16 105:20 <b>develop</b> 10:1 <b>developed</b> 56:6,12 111:20,22 <b>developers</b> 101:12 <b>development</b> 9:5,5 15:2 47:18 105:13 130:15 174:20 175:7,13 176:7 <b>development-type</b> 175:5 <b>develops</b> 64:25 <b>diabetes</b> 34:10 133:16 <b>diagnosis</b> 32:13 77:17 <b>diagnostic</b> 31:11 98:16,24 99:2 175:9	<b>diagnostics</b> 31:11 33:3 <b>different</b> 33:15 69:23 102:12 125:22 147:5 <b>differently</b> 37:9 <b>difficult</b> 34:17 124:8 <b>direct</b> 124:21 <b>directed</b> 126:14 <b>directly</b> 45:13,25 63:20 68:17 90:5 <b>director</b> 14:14 <b>disagree</b> 31:17,22 <b>disagreement</b> 36:7 <b>disaster</b> 67:15 <b>disasters</b> 69:16 <b>discern</b> 41:14 101:9 <b>discovery</b> 50:18 <b>discuss</b> 144:21 <b>discussed</b> 63:13 116:18 150:19 <b>discussing</b> 55:14 <b>discussion</b> 8:19 29:1 57:8 66:22 <b>disease</b> 34:10 133:8 133:15 <b>dish</b> 79:6 <b>dissected</b> 120:4 <b>distinct</b> 48:15,16 48:17 <b>district</b> 1:1,2 5:12 5:12 9:2,4 14:12 19:5,13 167:4,9 <b>divide</b> 21:22 <b>divided</b> 167:12 <b>division</b> 8:9 11:19 <b>divulge</b> 28:21 29:7 <b>DNA</b> 13:3,17 79:13 80:21 81:7 128:25 129:2 141:17,21 173:5 <b>document</b> 16:1 26:12 30:1 52:22	59:19 76:19 91:17 108:4,13 114:9,21 115:7,11 124:2 <b>documentation</b> 15:20 100:10,12 123:20 <b>documented</b> 107:20 144:10,12 <b>documenting</b> 12:9 <b>documents</b> 4:14,16 8:18 20:5 22:20 27:11,17,19 28:7 44:15 51:11 88:14 88:20 89:2,5,16 91:25 92:4 101:20 101:22 102:4,6 113:4 124:3,6 162:5 165:15,22 171:25 172:21 174:8 <b>dog</b> 14:3 <b>doing</b> 34:9 49:21 79:25 94:9 106:17 111:8 119:19 120:12 170:9,12 174:18 <b>donor</b> 32:14 77:16 <b>door</b> 83:23 <b>double</b> 21:20 <b>Dr</b> 60:24 61:5 93:17 94:11 141:16 <b>due</b> 8:9 19:2 <b>duly</b> 6:9 180:11 <b>duties</b> 9:16 22:24 42:5 47:15 72:4 <b>duty</b> 21:20 105:10 105:12 <b>D-a-n-u-s</b> 21:3
<hr/>				
<b>E</b>				
<hr/>				
<b>e</b> 4:1,7 179:19 <b>earlier</b> 17:3 72:3 178:5 <b>easier</b> 118:20				

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 6

east 21:4,7 east/west 167:8 <b>EDDE</b> 2:19 edited 118:11 Edmond 130:5 educational 10:17 effected 158:3 efficient 24:15 efforts 105:18 109:19 Eighty-seven 171:19 Eighty-three 165:13 either 42:9 106:21 114:1 124:4 126:23 174:5,21 electronic 28:1 107:17 112:25 124:4 electronically 24:17 93:1 104:8 119:1 Ellen 22:18 23:17 27:24 28:12 29:1 29:11 91:9 95:2 Ellen's 46:3 employed 7:12 ends 115:16 engineers 99:6,16 100:13,17 101:3,6 101:13 England 21:10 65:19,25 66:23,25 67:22 68:11,18 69:5 engraftment 42:1 entail 12:6 enter 16:13 24:9 entered 16:19 entire 76:3 88:8 entitled 5:9 entries 27:21,23 28:13 29:11 37:5 37:25 38:3,6,15	38:23 39:8 50:6 127:5 entry 37:1,11,14 144:6,13 episode 109:4 equipment 72:17 75:11 76:4 error 105:20 110:11 ESQ 2:10,11,19 3:4 et 5:9,10 etcetera 33:18 122:12 144:2 Ethicon 138:13 evaluate 106:8 event 74:6,14,17,21 80:7 108:20 109:1 events 72:4 74:25 eventually 110:20 evidence 84:24 126:8 exactly 32:4 49:21 82:21,23 93:4 112:7 115:9 124:1 <b>EXAMINATION</b> 4:3 6:12 136:8 177:15 examined 6:10 180:10 example 14:24 29:22,25 34:7 39:24 44:20 48:2 54:8 79:18 102:13 110:2,5,10 166:19 excuse 5:11 Executed 179:15 exercise 120:24 exhibit 4:9,10,12 4:14,16 26:9,9,13 29:19 30:20 34:24 34:25 38:21 52:20 52:23 54:9 55:1 64:10 65:4 66:6 67:1 69:18,22 83:7 88:12 93:12	97:1,4 100:9 108:3,5,9 111:17 112:3 113:1,19 114:1,2,3,14 115:14,14,18,21 116:17,22,23 117:20 118:4,13 118:14,15,17 119:3,7,10 120:24 121:13,25 122:6 122:24,25 123:2 124:14 127:18,19 128:1,3 136:11 142:3 145:17 146:16 155:3 156:15 158:11 161:6,22 162:3 170:24 171:2 173:20,25 176:13 177:19 178:11 <b>Exhibits</b> 112:24 113:5 119:2 exist 98:22 existing 75:11,12 exists 99:2 175:11 exonerating 129:2 expanding 43:22 experience 13:21 15:11 61:13 75:12 84:9 experienced 102:23 expertise 45:6 48:25 84:4 85:12 85:25 86:23 explain 7:4 Explains 11:1 expositions 74:25 extent 25:16 39:20 40:12,15 44:6,9 50:20 54:2 60:8 64:1 71:15,20 73:16 80:5,24 84:11,23 87:14 97:16 126:7,12 128:16 146:2	174:24 eyes 1:9 88:8 e-mail 15:17 22:6 45:18 52:21 53:7 53:9,16,25 56:19 58:4,8,11,18,22 75:2 108:23 119:3 121:15,22 124:3 127:14 e-mails 4:10,12 10:3 15:19 23:1 27:21 50:16,17,24 51:2,3,11,16,20 51:23,25 52:4,19 53:4 54:6 58:25 59:12 64:11 118:22 e-mail's 58:24 E.V 1:9 <hr/> <b>F</b> <hr/> face 117:13 facilitate 112:2 facility 94:12 fact 53:12 61:9 74:5 79:5,21 80:8 117:22 145:3 147:3 facts 84:24 126:8 fair 71:5 82:11 fall 99:10 falls 14:23 familiar 16:21 32:17,19,25 33:4 33:9,22 34:2,6,21 34:25 36:1,4,15 37:13 66:12 78:11 79:18,21,24 80:11 81:13 91:17 115:5 116:13 120:8 121:24 122:13,17 128:10 129:9,19 130:2,6,11,19 132:4,8,10,12 134:5,22,24	136:16 137:2,8 138:6,9,11,14,17 138:19,21,23,25 139:17,19 140:3,5 140:15,25 141:20 141:22,24 156:18 158:25 161:9 164:3,18 165:17 166:4,15,17 168:14 169:22 170:2 171:5,22 172:6,10,17 173:5 174:1 176:14 familiarity 34:5 82:25 family 18:23 far 29:8 97:23 107:10 128:7 131:12 136:14 149:1 FAS 16:2,5 21:20 22:4,9,14 23:9 42:3,5,19,22 43:4 43:4 47:7 61:13 61:23 62:10,12 63:7,8,12,12,14 74:16,23 81:25 82:6,17 83:3,18 84:1 91:10 98:2 101:13 103:19 109:19 110:10,16 110:17 111:11 123:15 145:4 148:8 149:19 151:24 152:12 153:20 fashion 133:21 FASs 19:17 fast 43:22 father 133:16 fault 67:13 139:21 Fayetteville 130:1 FBI 13:21 federal 11:5 26:22 feel 6:23 29:21
--	---	---	---	--

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 7

<b>fetal</b> 34:11,14,16 34:17	<b>five</b> 15:11 47:3 52:5 63:11,13 122:15	131:22 132:23 137:12 139:12 140:10,20 152:1	146:10	34:19 41:5 177:8 180:13
<b>field</b> 13:19 15:9,12 16:3,6,18 17:6 20:6,23 97:23 99:6,16 100:13,17 101:2,6 105:16 148:2 149:14 152:1	<b>five-minute</b> 52:9 87:23 176:21	<b>forget</b> 103:4	<b>G</b>	<b>glad</b> 44:22
<b>fielding</b> 16:4	<b>fix</b> 104:24	<b>form</b> 16:11 24:7 28:9 40:2 73:15 118:10	<b>Galgano</b> 49:6 90:13 125:2 147:12	<b>global</b> 118:2,9,11 175:14
<b>fifth</b> 131:16	<b>Florida</b> 23:11 137:6 138:12	<b>format</b> 116:13,16 116:18 124:9	<b>gather</b> 27:24	<b>globally</b> 86:22
<b>Fifty-nine</b> 168:5	<b>flow</b> 50:1 76:2 83:21 84:6 86:25	<b>formatted</b> 115:5	<b>GBI</b> 13:3	<b>go</b> 6:22 8:6,16 13:7 19:17 31:3 32:10 33:6 36:11,12 39:12 42:6,8 44:1 44:22 45:22 47:22 48:1,7 49:4 50:5 57:9 64:10 65:3 68:2,4,4,18 75:3 78:1,4,6 82:3 90:5 93:6 96:25 99:12 101:15 102:24 103:5,24 104:2,17 104:19,21,25 105:1,21 106:17 106:20 107:16,16 108:2 113:12 117:4,5 118:4,4 118:13,17,18 120:19 121:9 122:24 125:12 126:3 127:18,18 128:3 135:19 142:1 144:2 147:14 148:19 149:4 150:3 153:17 157:20 164:2
<b>Fifty-two</b> 161:21	<b>follow</b> 14:20 36:13 118:24 119:5	<b>former</b> 17:3	<b>Genequest</b> 141:21	<b>God</b> 67:15 103:8
<b>Figueroa</b> 2:2 5:20	<b>follows</b> 6:10 40:21 60:5	<b>forms</b> 37:18	<b>general</b> 9:16,22 14:8 49:4 59:10 174:17	<b>goes</b> 25:17 29:9 39:20 40:13 71:15 76:2 84:8 87:15 100:24 119:20 120:23
<b>figure</b> 103:14 120:4 124:9	<b>follow-up</b> 143:22 144:11	<b>forth</b> 176:12	<b>generally</b> 69:24 109:1	<b>going</b> 7:5 8:18 12:8 27:15 31:7 38:8 38:11 40:1,10,24 41:7,7 42:11 43:22 47:12,19,22 50:9 53:3 55:17
<b>Figured</b> 162:15	<b>follow-ups</b> 143:25	<b>Forty-eight</b> 156:11	<b>generations</b> 33:14	
<b>file</b> 27:25 28:1	<b>Ford</b> 158:24 159:6 159:11,14,19,23	<b>forwarded</b> 146:3 67:9,12,22,25 68:3,7 106:22	<b>genes</b> 133:19	
<b>filed</b> 5:10	<b>FORDERUNG</b> 1:8	<b>found</b> 51:20,23 97:18	<b>genetic</b> 33:21 34:9	
<b>files</b> 104:12	<b>forecast</b> 121:17	<b>foundation</b> 25:18 39:22	<b>Genetics</b> 136:25 153:18 174:7,18	
<b>fill</b> 16:12 21:17 24:7	<b>foregoing</b> 179:6,14 180:9,12	<b>four</b> 19:24 35:23 36:7,14,21 38:20 41:22 42:11 43:24 44:1,3,3 66:12 67:1 70:15 71:12 71:21 78:1,14 81:10,12,21,23 83:14 93:16 125:10 142:10,13 142:14,24 143:2,7 143:9	<b>Genetrack</b> 138:7,9	
<b>filled</b> 21:21 37:18	<b>forensic</b> 10:23 11:15,19 12:8,11 12:24 13:25 43:23 49:15 71:22 72:13 76:1,11,22 77:3 77:20,21 84:15,17 85:9,15 86:21 87:2 94:12,13,15 95:25 129:16,23 130:9,10 133:4,12 134:14,15 135:5 136:21 137:23 139:9,21 141:7 151:15 170:3,6,11 170:18	<b>fragment</b> 49:3 75:13	<b>genotype</b> 31:10 33:3	
<b>final</b> 67:21 68:1 107:18	<b>forensically</b> 83:21	<b>frame</b> 42:13	<b>gentleman</b> 147:10	
<b>financial</b> 121:18	<b>forensically-vali...</b> 56:7 84:4	<b>frequently</b> 82:6 141:17	<b>gentlemen</b> 62:18 63:17	
<b>find</b> 47:8 51:19 82:12 103:1,8 110:3 112:8,17 113:15 115:16,19	<b>forensics</b> 12:3,4,7 43:20 44:5,11 73:9 77:5 86:2,16 87:12 111:8 131:8	<b>Fritz</b> 3:10 5:16	<b>Genzyme</b> 136:25 153:17 174:7,18	
<b>findings</b> 34:12		<b>FRU</b> 85:12	<b>geographical</b> 67:12	
<b>fine</b> 20:24 31:19 33:1,1 41:5 88:10 142:21		<b>full</b> 7:9 24:25 54:10	<b>geographically</b> 19:21 148:11 159:7	
<b>fingers</b> 36:12		<b>function</b> 40:4 54:14	<b>geography</b> 152:16	
<b>finish</b> 7:2 32:23 69:19 124:18 145:16 155:1		<b>further</b> 136:8	<b>Georgia</b> 11:18 23:8 46:2	
<b>finished</b> 176:11			<b>Gerald</b> 14:14	
<b>first</b> 6:9 9:18 30:12 31:17 54:9 64:20 89:13 102:22 119:10 180:11			<b>Germany</b> 68:15	
<b>fit</b> 77:5 88:20 89:17 91:2 101:20 126:5			<b>getting</b> 6:17 18:20 56:25 75:18	
			<b>give</b> 9:21,22 14:8 14:24,24 15:6 22:14 29:21 37:7 51:22 63:23 76:18 95:8 102:13 114:8 122:8 177:1	
			<b>given</b> 29:16,17	

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 8

56:15 58:12,17,19 59:1,2,16 60:16 66:5 68:2,3 72:5 80:2 85:23 89:11 95:5,10,13 104:14 110:12 113:1 114:24 120:17 131:15 143:1,2 153:16,22 174:22 176:21 178:20 <b>good</b> 5:5 6:15,16 35:3 44:21 52:9 57:12 78:9 94:7 133:24 178:14 <b>Googled</b> 165:20 <b>grads</b> 94:14 <b>graduate</b> 10:22 11:16 170:1 <b>Grandview</b> 2:12 <b>grant</b> 80:3,6 <b>grants</b> 79:22 80:1 <b>great</b> 7:9 30:11,17 35:5 118:25 119:6 <b>Gregor</b> 133:22 <b>group</b> 10:4 38:18 49:4,5 54:14,25 55:3 56:20,21,24 57:3 62:18 64:18 64:20,22 67:6 69:15 77:2 84:3 86:18 89:24,25 90:3,6 101:5,7,11 103:3 105:2,5,8 105:22 106:22 107:21 117:10 124:23 125:2,6 127:13 128:24 147:5 171:21 172:23 <b>groups</b> 69:18 100:12 101:12 125:22 <b>growing</b> 43:3,10,12 43:14,19 44:4,12 <b>guess</b> 55:5 78:9	100:6 <b>guessed</b> 20:23 <b>guy</b> 85:3 152:15 <b>guys</b> 18:8 110:12 <b>G-a-l-g-a-n-o</b> 49:8 <hr/> <b>H</b> <b>H</b> 4:7 168:11 169:8 <b>habit</b> 58:15,18 <b>Hackensack</b> 161:9 161:13,20,22,25 <b>half</b> 47:3 <b>Hall</b> 64:3 71:19 75:22 126:14 128:18 168:1 <b>hand</b> 119:24 <b>handle</b> 49:15 72:23 75:7 113:1 152:12 157:6 159:5 164:25 169:24 173:13 <b>handled</b> 124:23 144:7 <b>handles</b> 151:8 154:5 155:25 160:15 171:9 <b>handling</b> 21:16 46:18 47:4 61:24 166:6 <b>hands</b> 55:20 <b>hands-on</b> 12:1 <b>happened</b> 61:8 106:1,3 <b>happens</b> 70:22,25 106:5,7 107:17 144:5 <b>happy</b> 7:4 18:23 <b>hardware</b> 38:25 101:9,11 160:8,10 <b>harvest</b> 34:16 <b>Haven</b> 139:20,23 <b>head</b> 19:24 20:9 49:5 105:4 <b>header</b> 113:19 <b>heads</b> 90:10 141:16	<b>heads-up</b> 56:20 <b>Health</b> 58:5 59:16 60:1,17 61:16 62:4 63:3 165:17 166:1 <b>hear</b> 110:24 115:10 <b>heard</b> 6:17 19:5 22:8 80:4,13 81:22,25 126:23 132:14 134:7,19 137:1 138:4,8 173:6 <b>help</b> 14:17 18:17 25:14 37:12 43:16 51:12 54:17 56:4 57:3 73:6 85:7,15 85:21 86:17,19 101:6 102:1 115:1 115:2,8 158:5 <b>helpful</b> 55:16 114:10 <b>helping</b> 84:9 <b>Henry</b> 158:24 159:6,11,14,19,23 <b>hereto</b> 26:14 52:24 108:6 113:6 <b>hey</b> 102:19 110:12 <b>HID</b> 63:8,12 85:13 91:10 98:1 123:17 143:13 175:23 <b>hierarchy</b> 14:9 15:7 <b>high</b> 14:10 <b>Hills</b> 5:19 178:20 <b>hints</b> 114:9 <b>hire</b> 166:7 <b>history</b> 17:2 <b>hit</b> 78:8 95:4,6,10 95:13 124:14 170:15 <b>hits</b> 92:23 152:10 154:3 173:8 174:11,13 178:7 <b>HLA</b> 61:13 62:8,10 62:12,19,20 63:12	63:15,17 131:11 <b>HOLDINGS</b> 1:13 <b>home</b> 22:5,25 23:6 31:12 46:3,4 48:9 <b>honestly</b> 155:24 <b>hook</b> 46:7 <b>Hope</b> 156:17 157:7 157:14,17,19,23 158:6,12,16,21 <b>hopefully</b> 31:8 124:20 159:25 <b>Hopkins</b> 91:19,20 92:7 141:23 142:1 142:9 143:7,13 144:15,20 145:5 145:10,16,24 146:11,23 147:13 147:14 153:12 <b>Hopkins-specific</b> 146:18 <b>horizontal</b> 115:11 117:17 120:17 121:5,6,8 <b>horizontally</b> 115:13 <b>Hospital</b> 158:25 159:12,14,19 164:18,23 172:10 172:14,16 <b>Hospitals</b> 171:25 172:4,7 <b>house</b> 46:10 <b>housekeeping</b> 88:7 <b>Howerton</b> 2:11 5:24 <b>human</b> 9:2,25 19:14 20:18 24:2 43:20 44:12 45:6 45:17,18 54:16 55:3,7,17,21,24 56:2,8,13 57:19 63:14 65:1 66:3 78:18,22 79:13 80:14,21,23 81:7 81:7 83:15 84:2	86:22 87:6,19 88:25 89:18,24 96:10 98:1,1 105:14 141:1 143:17 167:4 175:8,12 <b>Hundred</b> 12:4,6 <b>husband</b> 14:3 <b>hydatidiform</b> 31:10 32:23 <b>hypothetical</b> 83:9 <b>hypothetically</b> 83:11 <hr/> <b>I</b> <b>idea</b> 50:22 161:18 <b>identification</b> 9:3 9:25 20:18 24:2 26:13 35:18 43:20 44:12 45:7,18,19 52:23 54:16 55:4 55:8,18,21,24 56:2,9 57:19 63:14 65:2 66:4 78:19,22 81:7 83:16 84:3 86:23 87:6,19 89:18,24 96:10 98:2 105:14 108:5 113:5 141:1 167:5 175:8 <b>identified</b> 43:25 79:11 91:25 92:5 101:20 111:21 125:5,8 <b>Identifiler</b> 56:1 66:11,18 93:19 94:5 102:15 105:19 106:3 108:1 109:5 111:2 111:12,16 112:9 113:24 127:25 150:19,25 157:24 158:15,17,21 <b>Identifiler's</b> 56:11 103:1
--	---	--	---	---



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 9

<b>identify</b> 5:22 36:24 41:21 49:20 87:20 94:22 97:3	123:16 143:23 144:6,7,17 146:1 167:20	17:3 62:10 67:5 96:10 97:6,17 98:25 99:20 125:9 125:20 126:5 144:10 145:25 147:8	<b>issue</b> 15:23 38:25 39:1,1 105:15 107:19 160:8 <b>iterations</b> 33:14 <b>IVK</b> 138:22 <b>i.e</b> 133:22	<b>journal</b> 37:16 <b>journals</b> 70:21 79:1 <b>July</b> 1:21 2:3 5:1 5:14 136:1 <b>June</b> 13:4,5 <b>justices</b> 122:11
<b>identifying</b> 78:19 79:13 80:21	<b>insofar</b> 145:23	<b>interested</b> 38:9 43:1 72:21 87:1,2	<b>J</b>	<b>K</b>
<b>identity</b> 19:14 56:13 80:14 88:25 143:17 175:12	<b>install</b> 99:6 <b>installation</b> 97:9,11 97:17 100:21	<b>interesting</b> 114:13 115:16	<b>Jay</b> 140:16	<b>keep</b> 91:5 115:25 122:25
<b>Illinois</b> 138:10	<b>instance</b> 41:6	<b>internally</b> 22:7	<b>Jersey</b> 155:15 156:4 161:13	<b>kind</b> 7:5 15:8 17:3 21:19 25:6 27:7 34:5 37:5 56:19 56:20 79:22 89:12 108:2 113:22 114:13 115:20 119:9 120:1 121:5 121:6,6 141:11
<b>imagine</b> 37:4,12	<b>institute</b> 129:9 132:6 140:1 141:3 169:12 170:19 171:5	<b>International</b> 132:25	<b>Jewish</b> 139:16 164:18,22 165:21	<b>kindly</b> 26:9
<b>impact</b> 14:22	<b>institution</b> 147:16 149:6 153:24	<b>Internet</b> 24:24,25	<b>job</b> 9:6,16,17,19,23 21:21 40:20	<b>kit</b> 41:13,25 56:1,5 57:5 65:24 66:14 66:14 67:21,24 68:2,3,17 69:2,5 73:11 94:5 102:20 103:6 107:18 109:5,10,13 131:2 131:3 135:3,7 150:8 159:11 166:1
<b>implemented</b> 56:8	<b>institutions</b> 90:24 93:2 178:3,10	<b>internships</b> 11:3	<b>John</b> 140:16 141:16,23 144:20 145:9	<b>kits</b> 12:23 13:10 28:8 30:16 31:9 32:19 33:20,23 34:2 35:17 38:20 38:23 39:3 41:21 42:2,9 44:17,24 46:19 48:20,23 49:10,15 50:1 55:18,24 59:3,18 60:18 61:17,20 62:4,24 63:2,24 64:25 65:6,8,10 66:2,4,9,12,19 67:1 68:6,10 70:6 70:15 71:7,12,21 72:9,12 73:22
<b>incident</b> 108:2	<b>institution-specific</b> 91:1,7 92:17 176:12	<b>interrupt</b> 31:21	<b>Johns</b> 91:19,19 92:7 141:23 142:1 142:9 143:7,13 144:15,20 145:5 145:10,16,24 146:11,18,23 147:13,14 153:12	
<b>include</b> 29:5 37:20 78:15 105:17 178:10	<b>instructed</b> 29:1,11 91:9 95:2	<b>interviewing</b> 21:17	<b>Johnson</b> 2:19 4:5 6:1,1 17:17,21 18:15 25:16,22 28:9,20 29:6 30:22 32:5 39:20 40:12,15 42:13 43:6,24 44:6 46:20 50:20 54:2 59:19 60:8 64:1 69:23 71:15 73:14 73:25 74:17 75:20 77:7,12 80:24 81:3 83:8 84:11 84:23 86:5,8,10 87:14 88:6 92:1 119:5 121:25 124:1 126:7 128:14,16 167:23 174:24 176:23,25 177:17 178:13	
<b>including</b> 31:11 89:3 101:25	<b>instrument</b> 17:24 25:3,5,24 39:9,13 39:18 42:9,10 49:22 55:12 56:25 57:1,21 60:4,6 61:9 72:24,25 73:2 93:19	<b>investigation</b> 11:5 11:19 122:11	<b>investigations</b> 12:11	
<b>indicate</b> 96:17	<b>instructs</b> 94:14	<b>investing</b> 133:17	<b>Invitrogen</b> 1:13 8:14	
<b>indication</b> 144:16 165:16	<b>instrumentation</b> 17:23	<b>investments</b> 12:11	<b>Involuntary</b> 1:10	
<b>individual</b> 35:13 78:21 79:12 87:21	<b>instruments</b> 25:10 25:13,15 26:2 39:14,17 40:4,7 40:10,23 41:2 76:3	<b>involve</b> 14:25 91:16 101:10	<b>involved</b> 20:19,20 100:20,25 109:24 110:14,16 127:25 150:18,25 157:24	
<b>individuals</b> 9:24 100:10 127:13	<b>intelligently</b> 50:9	<b>involvement</b> 109:22	<b>involve</b> 20:19,20 100:20,25 109:24 110:14,16 127:25 150:18,25 157:24	
<b>informal</b> 70:11	<b>interacted</b> 63:20 96:13	<b>in-house</b> 10:8 89:3 89:6 101:23 102:4 102:6,10 103:3,5 103:15 105:1,8,22 106:14,18 107:21 110:4,13 127:20 127:22 146:19,22 150:15 158:11	<b>involve</b> 14:25 91:16 101:10	
<b>information</b> 19:3 37:8 41:19 75:10 75:14 79:3 91:2,7 94:22 95:11 97:16 121:18 125:15 142:8 145:22 146:4,7 148:21 154:14 179:10	<b>interaction</b> 63:24 69:14 91:14 95:15 95:19	<b>isolated</b> 111:21	<b>involve</b> 14:25 91:16 101:10	
<b>initial</b> 100:21 110:22	<b>interactions</b> 16:14			
<b>initially</b> 15:25				
<b>innocence</b> 128:21 128:24				
<b>inquired</b> 145:13				
<b>inquires</b> 92:12				
<b>inquiries</b> 10:4 44:17 45:21 125:5 126:10				
<b>inquiry</b> 75:5				

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 10

74:7 75:6 76:21 77:4 78:14,17,18 78:22 81:13,15,17 81:18,21,24 82:13 83:14,20 84:5,16 85:11,17 86:21 94:13 105:14 109:19 111:21 112:2 114:25 122:19 125:10 128:13 129:5,13 129:19 130:2,12 130:17 131:12 132:24 133:2,14 134:1,12,24 136:19 137:10 138:2 139:5 140:8 140:18 141:5,13 142:9,10 143:6,8 146:23 148:6 149:16,25 151:2 151:14,17,20,25 152:18 154:9 156:3 157:14 158:2,3,6,6 159:3 160:13,19 161:18 163:16 164:9 165:4 168:23 169:8,9 170:10,10 172:17 173:11 174:18,23 176:7 176:15 <b>kit's</b> 103:14 <b>knew</b> 40:10,23 41:2 59:1 <b>know</b> 7:1,25 8:25 12:17,21 20:13 31:18 34:5 39:3 40:16 41:6 42:2 44:22 45:15 48:6 50:19,21 54:4 57:8 58:1,14 60:9 61:5,12 62:9 64:19 65:12 67:4 67:18 69:13 70:9	70:22 71:10 72:14 73:3,24 74:3,4 75:16 78:13 79:15 79:16,23,23 80:4 81:23 82:17 84:7 98:19 100:1,4 102:3 103:4 107:5 110:2,13 114:10 114:23,24 115:9 115:11 119:25 120:18 122:21,22 122:23 126:22,23 127:4,24 128:19 130:25 131:1,3,4 131:4,9,13,14,18 132:15,24 133:7 134:19 135:9,13 135:14 137:4,15 137:17 138:5 139:3,7,14 141:15 145:3,6,11 146:10 151:21 152:21,23 152:24 153:10 157:23 158:8 159:2,7,18 160:2 160:9,12 162:5,10 162:12,24 163:1 164:22 165:22,23 166:23,25 167:1,3 167:6 168:22,23 169:1 170:9,10,12 171:9,11,12,14 173:10,15 175:3,5 175:7,13,19 176:6 176:15 179:7 <b>knowledge</b> 27:3,4,7 58:7 63:23 64:4 71:17,20 73:18 74:20 82:5 100:16 141:2 145:13 150:8 160:22 163:15 165:6,25 166:18 167:18 170:4 174:17 175:1 178:9 179:8	<b>knowledgeable</b> 30:14,15,18 90:20 167:14 <b>known</b> 35:10 78:20 81:6 87:10 113:10 <b>knows</b> 70:25 71:6 75:20 103:10 126:12 175:1 <b>Kotkin</b> 21:1,6 151:12 <b>Kris</b> 118:21 <b>Kristine</b> 2:19 6:1 <hr/> <b>L</b> <hr/> <b>lab</b> 12:1 39:9 41:8 42:8 55:10 63:9 72:8 82:3 84:9 106:6,6 111:11 131:4,4,5,20 132:3,23 134:4 138:8 150:24 151:2,11,14,20,25 <b>labeled</b> 26:7 <b>laboratories</b> 11:5 12:13 13:22 15:11 41:2 64:8 129:21 <b>laboratory</b> 10:20 11:10 12:11 33:13 35:4,6 141:16 <b>labs</b> 9:25 11:2 12:24 42:6 43:1 73:21,21 80:13 81:22 86:23 138:22 140:4,5,6 141:21 <b>ladders</b> 65:13 <b>Lake</b> 2:22 <b>Lakehead</b> 132:9 <b>laptop</b> 28:4 <b>larger</b> 48:3 <b>Las</b> 111:7 <b>late</b> 57:15 <b>latest</b> 112:17 <b>LATIMER</b> 2:18 <b>laws</b> 179:13	<b>layer</b> 120:16 <b>leaders</b> 139:21 <b>learn</b> 143:19 <b>learned</b> 42:10 <b>Lee</b> 168:11 169:1,8 169:15 <b>left</b> 13:4 23:13 115:25 116:5 117:11 119:15,22 <b>Legal</b> 5:17 178:19 <b>letters</b> 25:10 <b>let's</b> 15:21 19:17 25:5 31:25 32:18 33:6 39:12,12 55:20 64:10 68:14 75:3 78:1,4,5 88:12 89:11,12 93:9 96:25 101:15 116:25 117:11 118:4,13,14,17 119:7,14,14 120:6 121:9 122:5,24,25 124:17,19 136:14 142:1 145:16 147:14 148:19 149:4 150:3 153:8 153:9 155:14 164:2 165:10 172:9 <b>level</b> 33:21 107:20 110:14 <b>library</b> 70:11 <b>licensed</b> 76:21 <b>licensing</b> 71:24 76:20 <b>Life</b> 1:12 3:3 4:10 4:12,14,16 5:7,10 7:15,17,18 8:15 14:15 26:19 30:14 44:24 45:4 48:12 52:21 59:15 70:9 71:5,11 75:17 78:13 81:15 108:10 134:2 174:23	<b>light</b> 109:18,22 <b>limit</b> 95:25 142:21 143:1 <b>limitation</b> 85:10 <b>limits</b> 85:10 <b>Lincoln</b> 134:4 <b>line</b> 33:17,20 34:7 34:13,14,15 42:1 78:19 79:4,6,7,16 79:17 80:8,23 97:23,24 103:7 108:17 120:25 143:14 168:18 <b>lined</b> 116:6 121:1 <b>lines</b> 51:4 75:1 80:2 116:4 123:17 <b>lingo</b> 49:14 115:10 <b>lining</b> 121:2 <b>Lisa</b> 22:18 23:18 62:2 105:4 143:18 169:5,7 175:14 <b>Lisa's</b> 22:19 46:3 <b>list</b> 28:13,16,19,23 28:25 29:15 31:16 31:23 33:2 34:23 34:23 35:23,25 66:5,9 112:6,8 113:23 118:7 128:4 143:3 145:14 153:1,2 155:19,20 165:22 178:2 <b>listed</b> 31:4 70:15 71:22 122:10 147:16 176:14 178:10 <b>lists</b> 113:18 <b>literally</b> 46:2 <b>literature</b> 70:5,10 70:13,14 71:4 72:9,14 73:4 76:16 78:25 <b>litigation</b> 26:18,20 <b>little</b> 6:17 26:16 31:4 37:8 39:13
--	---	--	---	--

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 11

39:16 50:3 119:9 119:20,25 120:24 122:7 <b>lived</b> 65:21 <b>liver</b> 79:5,6,15,16 79:17 80:8 <b>LLC</b> 1:14 141:19 <b>load</b> 47:5 <b>loaded</b> 47:11 <b>local</b> 22:23 <b>located</b> 23:5,10 148:11 171:12 173:14 <b>locations</b> 151:12 <b>logged</b> 46:12 <b>Logical</b> 130:7 <b>long</b> 11:7 79:15 135:19 <b>look</b> 17:9,25 27:22 29:22 37:24 38:15 47:12,12 50:5 53:2 57:9 95:3,11 103:5 104:9 114:10,14 116:13 119:7,21 120:5,6 122:5,25 <b>looked</b> 27:20 28:6 29:20,22 36:18,19 41:10 50:14 52:20 53:4 114:9 115:14 119:7 <b>looking</b> 30:12 64:11 88:11 112:3 136:11 177:19,21 <b>looks</b> 66:10 113:22 114:22 115:4 <b>Los</b> 2:3 5:1,20 136:1 180:2 <b>lot</b> 11:25 25:9 102:20 103:6,7,9 106:17 109:12,23 109:24 111:24 133:17 142:15 151:4 <b>lots</b> 109:13,15,16	109:17 158:3 <b>lot-wide</b> 109:7 <b>Louis</b> 165:1 <b>low</b> 93:19,21,23 94:3,10 <b>LTI</b> 7:17,22 8:20 8:22 60:16 63:21 81:20 98:25 99:3 122:20 151:17 159:17 <b>LTI's</b> 72:20 <b>LTI/ABI</b> 33:23 38:19 41:21 55:24 176:15 <b>lunch</b> 135:22 144:1 150:20 152:8 155:13 <b>Lunchtime</b> 135:17  <b>M</b> <b>machine</b> 59:1,3,17 59:17 60:2 61:16 75:6 82:20,25 93:25 100:24 101:7 104:8 <b>machines</b> 72:20 <b>magnesium</b> 103:9 <b>magnitude</b> 19:3 <b>main</b> 2:20 101:14 <b>maintain</b> 15:21 67:16 70:4 107:5 107:8 <b>maintained</b> 144:5 <b>maintains</b> 70:10 107:15 127:1 <b>major</b> 164:23 <b>majority</b> 13:20 <b>making</b> 34:12 35:10 41:13 73:10 <b>manage</b> 9:24 45:22 47:17 54:5 62:18 <b>managed</b> 112:1 <b>management</b> 9:8 14:9 <b>manager</b> 9:2,4	14:12 19:13 46:24 47:2 99:16 125:2 167:4 175:14,23 <b>managers</b> 101:11 167:9 <b>managing</b> 69:16 <b>manner</b> 152:8 <b>manufacture</b> 105:13 <b>manufactured</b> 56:6 65:7,8,17 67:14 <b>manufactures</b> 64:25 <b>manufacturing</b> 68:21 <b>mark</b> 21:3,11 23:11 112:23 113:1 148:15,17 149:20 149:24 152:14,17 152:22 156:1,2 159:9,11 161:12 161:15 163:7,9 164:6,8 165:2 <b>marked</b> 26:12 29:19 30:20 34:24 52:20,22 65:4 66:6 88:12 97:1 100:9 108:4,9 111:16 113:4,19 <b>market</b> 9:5 14:18 14:19 43:19,22 44:4 174:20,22 <b>marketing</b> 105:13 175:5,7,13,14,23 176:4,5,6 <b>markets</b> 14:12,15 14:17 43:17 <b>marks</b> 5:6 88:3 <b>marrow</b> 31:9 32:2 32:12,18,20 34:21 35:19 40:11,24 41:25 54:21 59:3 60:18,22 61:2,18 61:20 63:25,25 64:7 70:6,16 71:8	71:12,25 72:10,22 73:5,12,22 74:8 75:6,19 77:2,4,15 <b>Marshall</b> 136:15 <b>Martin</b> 148:13 <b>mass</b> 67:15 69:16 <b>Massachusetts</b> 2:14 134:21 <b>master</b> 112:18 113:23 114:6 118:7 <b>Master's</b> 10:23 <b>match</b> 120:1 <b>Material</b> 116:7,8 <b>materials</b> 12:10 177:8 <b>maternal</b> 34:7,11 34:13,15 <b>math</b> 11:24 <b>matter</b> 5:9 88:7 146:12 179:6 <b>matters</b> 179:9,11 <b>Maxxam</b> 132:13 <b>MAX-PLANCK-...</b> 1:7 <b>McMaster</b> 132:11 <b>MD</b> 122:16 <b>mean</b> 8:21,22,25 12:7,21 14:23 31:7,16 55:7 57:17 76:25 85:3 89:22 93:4 117:7 <b>meaning</b> 115:12 119:2 <b>means</b> 10:13 14:18 57:18 102:12 <b>meant</b> 102:9 <b>Medical</b> 93:15 94:9 94:18,21 95:20 96:13,25 97:5 156:9 162:23 163:13 <b>Medicine</b> 138:16 155:15 156:4,9 <b>Medlen</b> 2:9 5:21	<b>meet</b> 144:20 <b>meeting</b> 47:19 <b>Melissa</b> 21:1,6 23:11 151:12 <b>members</b> 64:17 93:18 <b>Memorial</b> 172:20 <b>memory</b> 92:10 94:6 94:7 <b>Mendel</b> 133:22 <b>Mendelian</b> 133:21 133:21 <b>mentioned</b> 14:7 15:19 19:4 25:1 32:8,17 36:18 37:17 65:6 72:3 72:21 78:5,14 112:4 124:8,13 125:10 126:16 142:11 143:8 <b>mentions</b> 81:12 <b>merger</b> 8:14 <b>mergers</b> 8:10 <b>Merrill</b> 5:17 6:4 178:18 <b>Merry</b> 112:12 <b>messing</b> 82:20 <b>Metropolitan</b> 111:7 <b>Mexico</b> 160:1,2,4 160:13,20,24 <b>Mexico's</b> 161:1,5 <b>Michelle</b> 1:19 2:1 4:4 5:8 6:8 7:11 77:14 88:4 178:16 <b>Michigan</b> 130:4 159:8 <b>Microchip</b> 138:20 <b>middle</b> 7:1 57:12 112:15 <b>Midwest</b> 129:8 <b>midwestern</b> 20:3 <b>mind</b> 50:11 77:6 80:17 93:5,7 <b>mindful</b> 14:20
---	--	---	---	--

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 12

<b>mine</b> 106:13 122:8	<b>mother</b> 133:16	148:17	<b>nucleotide</b> 15:4	<b>offspring</b> 133:17
<b>Minnesota</b> 149:5	<b>move</b> 116:25 128:4	<b>new</b> 21:10 56:25	<b>number</b> 25:2 45:17	<b>oh</b> 10:16 14:2 19:11
149:10,16,19,24	155:14 177:10	58:9,11,15 82:25	45:21 106:17	21:9,15 28:15
150:7,13,16,18	<b>moving</b> 81:9 129:7	83:4,6 85:5,7,8	111:24 114:18	35:3 48:22 60:25
152:4 153:12,13	146:15 155:7	116:1 139:20,23	115:21 116:9	62:15 68:8 82:9
<b>Minnesota's</b> 150:2	<b>multiple</b> 49:25	155:15 156:4	118:25 120:1	95:3 99:5,14
<b>minute</b> 27:17 32:8	151:11	157:10 160:2,4,13	121:4,10 166:15	100:1 102:8 103:8
115:15	<b>mutations</b> 33:17	160:20,24 161:1	178:2,17	106:23 110:2
<b>minutes</b> 177:1	<b>M-e-n-d-e-l-i-a-n</b>	161:13	<b>numbered</b> 30:9	115:25 121:19
<b>misidentification</b>	133:21	<b>nice</b> 117:5 119:9,20	65:5	123:1 138:15
31:13 35:4,22	<b>M.D</b> 123:6,9,16	<b>NIH</b> 79:18,21,25	<b>numbers</b> 4:10,12	148:12 152:24
81:16,20 83:18	124:17,18 125:5,9	134:6,7	4:14,16 17:23	153:8 165:9 173:6
<b>Mississippi</b> 138:18	125:20 126:5	<b>Ninety-five</b> 82:8	37:6 121:3,17	173:8
<b>Missouri</b> 165:1	127:17,17,21,22	<b>nonforensic</b> 85:22	<b>numerous</b> 172:7	<b>Ohio</b> 122:12 129:7
<b>misspelled</b> 66:11	127:24 128:4,5	94:16 95:19 96:18		129:8
<b>MIT</b> 134:4	164:1	111:11,15 129:4	<b>O</b>	<b>okay</b> 6:22 7:7,8,12
<b>mitochondrial</b>		129:23 130:9,11	<b>obeying</b> 71:23	7:16,21,24 8:6,23
132:23	<b>N</b>	130:17 132:1	<b>object</b> 25:16 28:9,9	8:25 9:4,8,13,15
<b>Mitotyping</b> 132:17	<b>n</b> 4:1 179:19	133:6 134:16	39:20 40:12 43:6	9:21 10:6,11,16
<b>Modesto</b> 23:17	<b>name</b> 7:10 8:1,10	136:23 137:14,25	44:6 54:2 64:1	10:22 11:7,10,13
46:3	14:13 16:24 18:1	139:11,13 141:9	71:15 73:14,14	11:17,23,25 12:5
<b>Moffitt</b> 168:11	18:3,8,11 22:19	141:11 151:18	80:24 84:11,23	12:17,23 13:1,7,9
169:2,8,15	90:24 93:6 95:5	176:16	87:14 126:7	13:16,24 14:2,7
<b>mole</b> 31:10	99:11,15 100:1,4	<b>nonforensics</b>	174:24	14:16 15:5,14,19
<b>moles</b> 32:23	108:17 110:25	140:12,22,23	<b>Objection</b> 17:17	16:5,8,15,21,23
<b>moment</b> 105:21	113:19 116:8	<b>nonpaternity</b> 85:22	18:15 30:22 59:19	17:1,6,12 18:2,2,6
119:21	125:1,13 132:22	<b>nonresearch</b> 85:22	73:25,25 77:7	18:8,11,13,19,19
<b>money</b> 133:18	138:4	<b>Non-forensic</b> 135:7	128:14	19:4,7,9,11,17,22
<b>monitor</b> 5:14 59:3	<b>named</b> 22:9 71:7	<b>non-research</b> 85:15	<b>obtaining</b> 109:25	20:1,4,17,21,25
60:18	90:14,15 110:17	<b>Norin</b> 60:24 61:5	<b>obviously</b> 88:9	21:2,4,7,9,12,15
<b>monitoring</b> 40:11	<b>names</b> 20:22 22:15	<b>normal</b> 115:11	118:22 134:7	21:19,24 22:8,17
40:25 54:20 60:22	<b>National</b> 139:16	144:23	<b>occasion</b> 12:15	22:21 23:2,5,9,15
61:17,20 63:25	141:3	<b>Norris</b> 1:24 2:4 6:4	29:18 30:2,8	23:19,21 24:1,3,5
70:7,16 71:8,13	<b>natural</b> 115:20	180:4,22	38:15 82:3 88:17	24:7,11,13,16,19
72:1,10 73:12,23	<b>nature</b> 174:13	<b>North</b> 23:12 139:1	123:8 142:5 149:5	25:1,8,14 26:3,8
74:8 75:7,19 77:4	<b>NCI</b> 134:6	<b>northeastern</b> 20:3	152:6 153:23	26:11 27:6,13,18
77:15 174:21	<b>near</b> 122:25	<b>notary</b> 5:17	155:16 156:22	27:22 28:1,3,6,15
<b>monoclonals</b>	<b>Nebraska</b> 139:18	<b>note</b> 101:21 165:9	174:9	28:18,24 29:3,13
130:16	<b>necessary</b> 82:17	<b>notice</b> 2:5 4:9 8:16	<b>offenders</b> 128:25	29:17,21 30:5,8
<b>Montreal</b> 68:25	<b>need</b> 47:11,13	8:17 44:8 51:22	<b>offer</b> 76:8	30:11,17 31:19,25
69:11	67:17 103:5 124:8	80:25 110:7	<b>offhand</b> 173:15	32:1,12,16 33:6
<b>Morgantown</b>	144:11	165:15 176:15	<b>office</b> 22:5 23:6	33:22 34:1,18
134:10	<b>Needed</b> 116:11	177:20,23	46:3,4	35:19,24 36:3,8,9
<b>morning</b> 5:5 6:15	<b>needs</b> 176:25	<b>noticed</b> 5:21	<b>officer</b> 180:7	36:16,17,24 37:3
6:16 57:13	<b>never</b> 37:3 106:24	113:18 162:3	<b>offices</b> 22:25 48:9	37:12,17,23 38:2

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 13

38:5,8,9,10,18 39:2,5,12 40:1,6 41:5,10 42:3,19 42:21,24 43:13,19 43:21 44:13 45:1 45:12,20 47:1,1,4 47:7,10,15,21,24 48:10,22 49:2,5,9 49:13 50:3,11,14 50:17,24 51:6,13 51:15,19,25 52:3 52:6,8,10,11 53:7 53:15 54:7,17,24 55:5,20,20,22 56:1,4,10,18,24 57:3,7,17,22,25 58:3,8,11,21,24 59:6,10,14 60:5 60:11,14 61:7,15 61:23 62:3,12,20 62:24 63:1,5,10 63:15,19 64:9,19 65:3,12 66:5,20 67:7,20 68:10,14 68:16,22 69:1,13 69:17 70:3,22,24 71:10 72:19 73:20 74:5 75:4,16 76:9 76:13 77:14 78:1 78:7,13 79:10 80:7,14 81:8,11 81:12,15,19,25 82:6,11,15,24 83:2,6,17,24 85:14,18,20 86:7 87:22 88:11,17,24 89:8,10,13 90:2,8 90:10,14,20,22 91:13,16,25 92:8 92:13,16 93:6,9 94:7,16,20,24 95:1,7,18,24 96:11,20,23 97:8 97:15,21 98:3,13 98:16,20 99:5,17	99:19,22,24 100:3 100:5,8,16,20,23 101:5,15,24 102:1 102:11,13,14,16 102:18,19,21,25 103:16,24 104:13 104:23 105:3,8,19 105:24 106:10,14 106:16,25 107:3 107:12,22,25 108:16,22,25 109:17,21 110:6 110:16,21,24 111:6,8,10,14,19 112:3 113:2,3,17 114:6,8,12 115:24 116:13,16,21,25 117:3,6,12,25 118:4,6,13 119:6 119:15,19 120:2,3 120:12,12,20,21 121:12,16,23,23 122:4,9,15,19,24 123:5,8,14,19,24 124:11,17 125:3,8 125:12,18,23 126:15,19,20 127:3,12,16,16,24 128:10 129:7,11 129:18,21 130:4,7 130:17,19,22 131:1,5,10,12,15 132:6,17,25 134:4 134:9,18,21 135:11,17 136:25 137:16 138:3,7 139:13,16,24 140:1,4 141:3,15 141:19,25 142:2,4 142:8,16,20 143:6 143:12,16,19,22 143:25 144:9,14 144:18,23 145:1 145:11,15,22 146:6,9,15 147:3	147:13,19,24 148:2,5,8,19,23 149:4,12,14,18,23 150:10,12,22,24 151:2,14,20,23 152:3,12,15 153:2 153:22 154:5,8,12 154:18,22,24 155:11,20,25 156:2,9,14,17,22 157:4,6,9,13,16 157:19,23 158:2,5 158:10,14,20,24 159:2,5,10,25 160:5,7,9,12,15 161:1,8,12,15,20 162:2,8,12,15,21 163:3,6,23 164:1 164:6,8,13,17,25 165:3,8,20,25 166:3,6,14,21 167:2,9,13,17 168:16,20 169:6 169:24 170:2,8,13 170:17,20 171:9 171:15,24 172:13 172:16,19,23 173:10,15 174:16 174:20 175:12,16 175:21,24 176:1,5 176:9,20,23 <b>Oklahoma</b> 130:5 <b>once</b> 16:18 35:14 60:24 83:23 104:19 111:20 120:18 124:7 144:5 149:1 157:11 <b>Oncology</b> 171:21 172:23 <b>ones</b> 34:21 107:22 166:16 <b>online</b> 8:16 13:3,18 <b>onsite</b> 10:7 82:7 89:3,6 101:23	102:4,6,10,24 103:19 104:9,14 104:15 110:3,10 111:1,5,10 127:20 127:22 146:19 147:1 148:3 149:15 150:12 152:21 153:19 158:11 <b>Ontario</b> 140:1 <b>onward</b> 88:13 <b>on-the-job</b> 13:23 <b>open</b> 19:25 21:7,12 144:12 <b>operate</b> 100:17 <b>operation</b> 93:18 <b>operational</b> 97:9 97:12,13 <b>operator</b> 5:16 105:20 110:11 <b>opinion</b> 17:14 77:9 <b>optics</b> 25:24 <b>optimized</b> 84:16 <b>option</b> 48:6 144:24 144:25 <b>Orbison</b> 20:24 110:22,23,24 111:3 151:13 154:7 157:8 160:17 166:8 <b>Orchid</b> 137:17 <b>order</b> 60:7 69:2 116:7 127:7,7,9 127:11 <b>orders</b> 127:14,14 127:14 <b>organize</b> 72:4 <b>origin</b> 56:11 87:8 <b>original</b> 115:6 118:10,22 178:18 <b>originated</b> 35:12 <b>Orlando</b> 23:11 <b>Ortuno</b> 22:18 62:2 143:18 169:5,7 <b>ought</b> 31:2	<b>outside</b> 14:23 23:8 67:8 86:2,16,18 151:25 <b>overlap</b> 97:15 <b>oversight</b> 65:1 105:12 <b>o'clock</b> 5:15 88:5 135:17 <hr/> <b>P</b> <hr/> <b>Pace</b> 140:14 <b>page</b> 4:3,8 30:1,2,5 30:20 34:24 54:9 57:12 66:6 78:6 93:12 97:21,21 100:8 114:14,20 115:4,18 117:13 119:23,24 120:20 120:22 123:1 128:7 142:3 145:17 146:16 150:4 155:3 156:11,15 158:10 159:20 161:2,5,21 161:21 163:21,24 168:5,6,8 169:16 169:18 170:23 171:1 173:19,22 177:22,23 <b>pages</b> 1:7 4:9 <b>paragraph</b> 30:20 34:24 36:4 38:20 41:23 42:12 44:4 54:10,12,18,19 55:1 57:9,13 65:5 65:5 66:6 67:1 69:18,19,22 70:6 70:15 71:7 78:2,6 81:9,12,21 83:7 83:25 84:10 87:3 87:5 89:1 91:19 92:1,9 93:9 96:25 97:3,3,8,19,22 101:15,20 123:1,1 124:13 125:4
---	--	---	---	--



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 14

126:6 127:17,18 142:3,6,11,13,24 143:1,3,8 145:15 145:17 146:12,12 146:15,24 147:15 148:19,23 149:4 150:10 152:5 153:9,11,15,18,22 155:2,3,5,7,9,11 155:14 156:12,15 156:17 158:10,24 159:19,21,23,25 161:2,3,6,9,24 162:21,22 164:2 164:17 165:8 166:3 168:3,8,12 169:14,18,21 170:22,22,23 171:1,4,15,16,21 173:4,17,19,22,25 174:7 <b>paragraphs</b> 30:9 36:13 88:12,13,18 88:21,24 90:23 91:2,7 110:7 124:18 145:16 150:3 156:10 157:19 161:20 162:17 163:20 164:2,13,14,15 168:4 169:15 172:24 173:18 174:4 176:12 177:22,25 178:2 178:10 <b>PARSONS</b> 2:18 <b>part</b> 10:6 11:15 25:23 40:4 42:5 48:14 67:14 72:3 83:13 89:13 97:25 98:17,21 109:4,20 120:14 124:4,5 144:23 158:14 <b>particular</b> 13:12 41:12 57:7 82:16	107:1 110:19,21 126:11 <b>parties</b> 26:19 <b>pass</b> 75:14 <b>passages</b> 79:5 <b>patent</b> 71:24 76:12 76:20 <b>patents</b> 76:1 <b>paternity</b> 49:17 71:22 72:13 73:9 76:1,22 77:3,5,22 77:23 85:9,15 86:3,16 87:2,13 129:24,25 151:19 152:1 <b>patient</b> 32:14 77:16 <b>patient's</b> 87:10 <b>Paul</b> 49:6 90:13 125:2,12,14,15 147:10,12 149:2 <b>PCR</b> 62:21,22 <b>PE</b> 8:12 <b>peak</b> 93:19,21,23 94:3,10 <b>peaks</b> 94:1 <b>penalties</b> 179:12 <b>penalty</b> 73:10 <b>Pennsylvania</b> 129:11 <b>people</b> 13:17 15:21 22:12 23:23 45:3 46:12 47:8 51:3 56:21 61:23 63:7 63:11 74:5 80:1 82:1,6 84:1 102:22 109:24 145:4 148:8 149:19 151:24 153:20 <b>people's</b> 37:21,24 51:1 <b>percent</b> 12:4,6 46:25 82:8 <b>perform</b> 178:6 <b>performed</b> 62:21	<b>period</b> 13:10 38:9 38:11,16 42:25 43:4,13 59:11 76:5 107:9 142:11 143:8 180:17 <b>perjury</b> 179:12 <b>Perkin-Elmer</b> 8:3 8:4,7,11 12:14 13:7 <b>permitted</b> 75:17 84:21 85:8 <b>person</b> 21:20 37:1 43:4 79:10,15 90:12 98:23 103:19 110:16 157:11 166:7 174:20 175:6,7,13 <b>personal</b> 64:5 77:8 77:12 81:4 87:17 141:2 163:15 175:1 <b>personally</b> 46:21 176:19 <b>personnel</b> 98:4,10 <b>perspective</b> 43:11 43:14 <b>Pete</b> 5:21,24 <b>PETER</b> 2:10 <b>Pharmaceuticals</b> 134:18 <b>pharmacogenetics</b> 33:16 <b>Phil</b> 14:13,13 <b>Philip</b> 1:24 2:4 6:4 65:22 180:4,22 <b>phone</b> 15:22 22:6 23:1 24:3 45:17 46:1,7,19 47:5,8 47:16,24 48:6,8 127:14 <b>phones</b> 15:17,20 <b>phrase</b> 115:10 <b>Ph.D.s</b> 128:20 <b>pick</b> 51:6 <b>picked</b> 125:19,25	<b>piece</b> 50:1 115:12 <b>pieces</b> 115:12 <b>Pielage</b> 14:13 <b>Pittsburgh</b> 162:22 162:23,23 163:6 163:10,12,16,19 <b>place</b> 5:20 109:2 115:20 <b>Plaintiff</b> 1:5,10 2:2 2:8 <b>plans</b> 55:12 <b>please</b> 5:22 6:5 102:9 104:24 112:8,17 <b>point</b> 25:18 39:22 57:20 58:3 117:5 117:7 147:17 174:21 <b>points</b> 117:1 119:9 <b>Police</b> 111:7 <b>policy</b> 71:10,23 72:23 75:17 <b>polymorphisms</b> 15:4 <b>popped</b> 96:8 147:7 <b>portfolio</b> 65:2 76:7 105:15 <b>portion</b> 18:21 46:17 <b>posed</b> 71:19 128:18 <b>position</b> 15:6,7 21:18 167:2 175:17 <b>possible</b> 120:16 <b>postgraduate</b> 11:2 <b>Posting</b> 116:10 <b>potential</b> 14:21 58:20 <b>potentially</b> 17:11 34:14 167:14 <b>Preclinical</b> 132:3 <b>premarked</b> 26:9 <b>preparation</b> 36:20 37:19,23 41:11 44:14 50:6 51:9	51:10,16 52:18 53:4 59:7 64:12 64:13 69:20 88:18 145:12 154:15 <b>prepare</b> 15:25 50:12,15 51:12 69:21 <b>prepared</b> 50:8 58:22 108:14 <b>preparing</b> 36:17 38:14 <b>present</b> 3:9 10:2 38:9,12,16 42:16 43:13 59:11 92:21 107:9 142:12 143:9 149:12 157:4 <b>presentation</b> 47:20 76:18 <b>presented</b> 26:1 93:1 118:11 147:24 <b>press</b> 48:7 <b>presume</b> 7:5 <b>pretty</b> 16:21 39:13 42:24 94:7 175:16 <b>price</b> 58:1 <b>primarily</b> 15:12,17 22:5,24 23:5 132:22 <b>primer</b> 103:10 <b>primers</b> 65:15 <b>print</b> 124:8 <b>printed</b> 24:11 <b>printing</b> 24:14 <b>prior</b> 89:16 123:8 148:16 149:6 152:6 153:24 155:16 156:23 160:3 162:25 180:10 <b>prioritization</b> 47:18 <b>prism</b> 25:10,11,12 25:14,23 26:2,4,6
---	--	--	---	--

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 15

26:7 39:16 <b>Private</b> 132:19 137:19 <b>probably</b> 38:12 107:2 114:17 126:24 148:20 157:10 159:9 167:13 177:9 <b>problem</b> 17:9 84:19 100:23 102:2 103:7,13 104:24 107:12 109:5,7,8,10,18 111:12,16 127:25 150:19,25 157:24 158:15,17,22 <b>problematic</b> 111:21 <b>procedure</b> 144:18 <b>process</b> 60:5 67:18 127:15 144:23 <b>produce</b> 124:9 <b>produced</b> 50:18 102:6 112:22 124:7 <b>product</b> 10:14 64:18,22 65:2 67:5,16 69:14 86:24 101:11 105:1,8,22 106:22 <b>production</b> 124:5,6 <b>products</b> 11:1 45:7 71:25 76:8 <b>profession</b> 94:15 <b>profile</b> 79:12 <b>Profiler</b> 66:9,18 <b>program</b> 13:22,23 24:22 170:3 <b>project</b> 128:21,24 <b>Promega</b> 1:4 5:9,25 <b>promote</b> 85:17,18 <b>promoted</b> 56:7 71:25 <b>promoting</b> 71:11 <b>prompted</b> 53:16	<b>pronounce</b> 99:11 112:19 <b>proper</b> 35:16 <b>protocol</b> 14:25 37:16 56:7 83:16 84:6,17 85:24 <b>protocols</b> 14:20,21 57:4 76:17 78:24 84:4 86:22 <b>provide</b> 107:23 123:19 174:15 <b>provided</b> 116:17 180:17 <b>pseudo</b> 22:14 <b>public</b> 5:17 <b>publications</b> 70:11 <b>publicly</b> 78:24 <b>publish</b> 76:18 <b>published</b> 34:13 70:4,10,13 71:3,3 <b>publishes</b> 141:17 <b>pull</b> 26:10 29:2 106:17 <b>punishment</b> 73:19 <b>purchase</b> 54:11 55:15 60:7 73:11 97:9,11,17 130:2 170:10 <b>purchased</b> 17:24 25:2 38:19 42:9 60:2 72:19 <b>purify</b> 34:17 <b>purpose</b> 56:8,12,16 62:5,7 72:21 78:18,23 80:7 83:1 129:1,15,16 139:7 <b>purposes</b> 28:8 176:16 <b>pursuant</b> 2:5 <b>pursuits</b> 11:16 <b>put</b> 13:3 16:24 24:16 42:13 57:22 67:23 76:19 91:19 95:13,15 115:24	117:11 118:15 119:14 121:1 127:5 146:7 <b>putting</b> 82:13 <b>puzzle</b> 119:25 <b>P-i-e-l-a-g-e</b> 14:13 <b>P.M</b> 136:2 <hr/> <b>Q</b> <b>quality</b> 93:19,21,23 94:3,10 107:19 116:9 <b>Quantico</b> 11:6,8,9 <b>quarters</b> 119:17 120:22 <b>query</b> 91:11 <b>question</b> 7:1,6 28:11,23 29:8 30:13,24 32:23 37:15 39:10 40:18 41:25 45:10 50:5 53:19 64:4 71:18 73:7,17 79:14,24 83:9 85:1 126:13 130:22 142:15 146:19,20 165:10 175:8 177:18 <b>questions</b> 46:18 69:21 123:17 143:14 168:18 177:11 <b>question's</b> 53:3 <b>quickly</b> 10:16 <b>quote</b> 55:11 57:8 57:20,21 60:6 <b>quoted</b> 57:15 58:15 60:4 <b>quotes</b> 57:22,25 <b>quoting</b> 55:14 <hr/> <b>R</b> <b>ramp</b> 67:16 <b>ran</b> 12:23 <b>rapidly</b> 44:4,12 <b>reach</b> 72:14	<b>read</b> 29:18 30:8,13 31:8,8 37:16 40:21 44:15 54:8 54:10 70:20 88:17 114:21 116:5 142:5 179:6 <b>ready</b> 157:11 176:22 <b>reagents</b> 65:16 76:4 <b>real</b> 103:13 108:3 <b>realize</b> 103:13 <b>realized</b> 159:25 <b>really</b> 68:8 84:8 99:14 104:5 149:21 <b>reason</b> 67:7,17 <b>recall</b> 53:7,16 59:5 59:7,12 64:7 74:13 92:6 93:13 109:21 111:13 123:15,18 124:15 128:2 147:23 149:10 150:21,24 152:11 153:19,21 155:18,23,24 157:3,3 158:5,20 160:4,7 163:3 169:6 171:8 173:9 174:14 177:25 <b>recalled</b> 53:9,12 <b>receipt</b> 80:5 <b>receive</b> 23:1,1 46:8 127:13 <b>received</b> 55:10 58:3 158:3 <b>receiving</b> 53:7 <b>recess</b> 52:14 88:1 135:22 177:5 <b>recognize</b> 108:11 <b>recollection</b> 59:11 109:1 <b>record</b> 40:21 52:12 52:15 87:24 88:3 89:13 135:20	136:5 153:8 162:9 177:3,6 178:20 180:12 <b>recorded</b> 180:8 <b>records</b> 51:16 92:25 93:3 96:12 96:17 107:6,8,15 107:16 150:23 <b>refer</b> 36:14 48:4 88:14 <b>referred</b> 26:12 52:22 54:25 108:4 113:4 114:2 116:22 117:20 <b>referring</b> 76:14 121:13,22 124:2,4 135:16 <b>refers</b> 173:25 <b>reflect</b> 126:10 <b>regard</b> 61:7 70:5 71:11 80:12 88:24 100:17 125:6 148:21 155:8 156:12,14 157:21 158:21 159:20 161:3,6 163:18 <b>regarding</b> 93:14,18 97:17 111:15 123:17 144:15,19 148:18 149:16 150:7 151:25 157:14 168:18 <b>regardless</b> 95:10 <b>region</b> 21:12 116:8 <b>regular</b> 21:21 <b>relate</b> 32:13 51:2 88:25 <b>related</b> 17:10 44:15 89:2,5 101:22 102:4 111:16 133:20 146:23 <b>relates</b> 25:23 <b>Relatively</b> 43:15,16 <b>relayed</b> 145:23 <b>remain</b> 106:21
--	--	--	---	---

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 16

<b>remember</b> 27:14 93:2 108:20 142:14 <b>remote</b> 24:20 <b>remotely</b> 15:12 <b>remove</b> 104:3 <b>rep</b> 60:13 126:4 <b>repeat</b> 38:12 48:23 <b>repeats</b> 12:18 <b>rephrase</b> 7:4 <b>replacement</b> 107:19 158:2 <b>replacements</b> 112:2,21 114:25 116:10,11 144:11 <b>report</b> 14:9,11 20:10 27:24 29:2 29:11 53:17,22 82:4 87:11 91:10 95:8 <b>reported</b> 1:24 103:2 <b>reporter</b> 6:3,5 26:8 26:13 36:12 52:20 52:23 65:21 108:5 108:8 113:5 180:5 180:17 <b>reporting</b> 35:8 <b>reports</b> 14:13 15:7 24:12 <b>represent</b> 5:23 79:17 <b>representative</b> 20:16 44:16 57:19 98:24 99:2 126:10 <b>representatives</b> 98:17 125:19,23 <b>represented</b> 28:19 28:23,25 <b>request</b> 74:7 <b>requested</b> 57:20 180:15,16 <b>requests</b> 21:23 37:16 38:24 89:23 <b>require</b> 39:24	<b>required</b> 76:5,18 <b>Requiring</b> 80:1 <b>rerouted</b> 124:22 <b>research</b> 15:2 31:13 33:15 71:22 72:13 73:8 76:1 76:11,21 77:3,5 77:24,25 85:9 86:2,16 87:2,12 129:8 130:7,15 132:4 133:18 136:16 141:12 <b>researcher</b> 34:9 <b>resolution</b> 107:18 109:25 <b>resolve</b> 105:16 <b>resolved</b> 107:12 144:7,16 <b>respect</b> 30:18 89:18 89:23 92:1,4 97:2 116:17 124:13 125:9 128:1 142:10 143:7 155:4 <b>respond</b> 10:3 <b>response</b> 33:16 75:23 <b>responsibilities</b> 58:13 <b>responsibility</b> 55:19 56:21 65:1 97:14 105:11 <b>rest</b> 97:22 <b>restate</b> 29:10 40:17 53:19 142:18 <b>result</b> 92:19,21,23 93:25 94:3 149:9 <b>resulting</b> 107:19 <b>results</b> 12:12 14:21 34:13 87:11 103:19,20,24 106:20 123:12,14 129:2 147:22 149:8 156:25 157:2 160:5	<b>retained</b> 178:18 <b>retesting</b> 128:25 <b>retrieved</b> 92:25 <b>review</b> 50:11 51:7 180:14 <b>reviewed</b> 27:11 41:20 108:13 <b>re-assemble</b> 118:14 122:7 <b>re-assembling</b> 122:7 <b>Richmond</b> 130:7 <b>right</b> 7:9 8:25 11:10 15:5 16:4 17:12 19:5 21:7 21:12 22:3,8 25:19 26:8 33:11 34:18 35:8 42:21 44:1,13 47:21 52:8 53:24 56:18 60:14 63:1 64:10 65:18 75:3 79:11 79:14,14 80:22 84:8 87:22 89:12 90:12,14,22 92:3 95:18 96:1,6 97:10,23,25 98:23 98:23 99:7 102:20 103:11,17,19,22 108:18 109:10,17 112:7 113:7 114:15 115:8,8 116:25 117:1,9,17 118:15 119:24 124:11,20,24 127:16 128:3,5 132:3 142:23 144:3 145:23 146:1,9 147:13 155:1 160:18 162:15 169:14 172:9 173:15 175:10,10 176:11 177:9 <b>rigorous</b> 14:20,25	<b>ring</b> 172:21 <b>ringing</b> 46:7 <b>rings</b> 46:2 172:19 <b>River</b> 132:3 <b>road</b> 2:12 74:12,17 74:21,25 <b>Rob</b> 55:14 64:6 <b>Robert</b> 20:5 53:17 53:22 59:14 63:20 <b>Rossi</b> 20:5 53:17,22 59:15 63:21 <b>routed</b> 45:9 48:8 <b>routinely</b> 100:22 <b>rows</b> 121:4,7,8,9,10 <b>rules</b> 6:22 <b>run</b> 11:1 12:15 13:1 24:12 27:24 28:12 29:11 33:19 35:9 57:1 60:18 91:10 128:20 <b>running</b> 13:9 56:22 75:18 <b>runs</b> 94:13 <b>Rutgers</b> 164:3,9,11 164:13 <hr/> <b>S</b> <hr/> <b>s</b> 4:7 6:8 179:19,19 <b>sale</b> 65:24 73:10 <b>sales</b> 9:9,13,14 14:12 20:16 44:16 54:6 57:18,21,23 60:13,15 64:18 71:18 75:15,16 76:6 85:3 121:17 125:18,21,22,23 126:4,10 127:7,8 154:24 166:19 167:5,10 168:1 176:3 <b>salespeople</b> 127:6 <b>Salt</b> 2:22 <b>sample</b> 31:13,14 34:1,3,22 35:4,8,9 35:16,21,22 77:16	77:16 78:21 81:16 81:20 83:18 87:6 87:7 <b>SAP</b> 111:22 126:16 126:17 154:20,23 <b>saw</b> 53:9 58:25 110:10 171:24 172:19,20 <b>saying</b> 12:20 61:1 78:10 80:8,9 91:5 <b>says</b> 54:19 57:11 60:21 72:8 84:7 104:23 112:16 132:22 <b>scale</b> 19:2 <b>scenes</b> 12:9,9,10 <b>Schade</b> 175:15 <b>school</b> 138:16 170:1 <b>science</b> 10:20,24 14:5 <b>Sciences</b> 11:15,19 58:5 59:16 60:1 60:17 61:16 62:4 63:3 <b>scientific</b> 70:5,14 70:20 79:1 <b>scientist</b> 70:20 <b>scientists</b> 84:15 <b>scope</b> 25:17 39:21 40:13 43:6,7 44:7 64:2 71:16 74:1 77:7 80:25 87:15 96:21 128:17 174:25 <b>scratch</b> 55:17 <b>screen</b> 76:19 <b>sealed</b> 68:2 <b>search</b> 19:2 28:12 51:15 91:18 92:3 92:14,16 93:14 94:20 95:22,24,25 96:4,5,9,21 97:1,7 97:18 98:14 100:11,13 101:19
---	--	--	--	--

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 17

102:2 123:9 125:4 125:19,25 126:4 143:20 146:3 147:7,15,19 149:5 152:7 153:23 155:16 156:22 162:24 170:13 174:9 176:21 178:6,9 <b>searched</b> 37:19 154:12 155:21 160:3 162:6 163:1 171:7 173:7 <b>searching</b> 91:17,18 <b>second</b> 27:14 31:20 55:1 57:14 118:5 122:8 <b>secretaries</b> 23:23 <b>section</b> 37:5,7 <b>see</b> 17:9 30:3,4,6 33:16,17,20 34:18 38:2,6 41:20 54:7 54:12,22 56:10,18 57:8 59:8 60:25 63:19 81:6 87:7 88:14 90:24 97:22 97:22 98:3 103:6 112:10 113:13,20 115:22 116:2,11 117:4,7,14 118:19 119:12,15,17,20 119:25 123:5 128:4 143:4 <b>seeing</b> 59:12 158:20 <b>seek</b> 85:23 88:20 90:7 91:1,6 94:15 <b>seeking</b> 80:22 87:20 <b>seen</b> 14:16 20:5 22:19 25:9,9 37:3 53:12 58:21 70:13 70:18 72:9,14 122:2 164:14 165:16 174:8	<b>sell</b> 15:1 78:17,18 81:15,17 <b>sells</b> 78:13 <b>send</b> 53:25 102:22 <b>sends</b> 60:7 <b>senior</b> 23:22 91:9 175:16,17,24 <b>seniors</b> 15:10,16 <b>sense</b> 14:8 15:6 46:22 <b>sent</b> 51:24 116:11 144:20 <b>sentence</b> 57:14 61:4 76:10 <b>separate</b> 144:13 <b>separated</b> 35:14 <b>sequencing</b> 15:3,3 75:13 83:1 132:23 <b>sequencing-based</b> 62:22 <b>SeqWright</b> 173:4 173:17 <b>serial</b> 17:23 25:2 <b>series</b> 35:10 <b>service</b> 17:14 44:16 44:16,23 45:1,9 45:23 47:25 90:5 90:11,18 99:6,16 100:13,17 101:2,6 101:13 124:22 125:18,21,22 144:12 145:20 146:2,6 <b>services</b> 135:13 173:5 <b>set</b> 18:25 60:17 176:12 <b>setup</b> 97:9,12,13 <b>shakes</b> 20:9 <b>share</b> 58:12 <b>shared</b> 55:10 60:21 <b>Shepherd</b> 1:19 2:1 4:4 5:8 6:8 7:11 88:5 108:8 120:25 124:3 167:24	177:18 178:16 <b>Shepherd's</b> 44:7 <b>sheriff's</b> 122:11 <b>Ship</b> 113:19 116:8 <b>shipped</b> 68:10,12 68:13 69:9 111:24 111:25 <b>shipping</b> 68:20 <b>ship-to's</b> 112:9 <b>short</b> 12:17 48:23 <b>shorthand</b> 25:7 31:6 180:4 <b>shot</b> 20:4 <b>show</b> 72:7 73:1 74:6,10,12,17,21 84:5,16 103:21 <b>showing</b> 120:3 <b>shows</b> 74:25 168:5 168:8 173:18,22 <b>sic</b> 66:10 <b>side</b> 48:4 151:9 166:19 167:21 176:3 <b>Siebel</b> 18:12,13,21 18:23 19:1 24:9 24:14,21 25:1 27:21,22 36:19,25 37:18 38:2,5 47:11 48:2,5 50:4 50:6 91:11 94:24 99:24 102:8 103:25 107:20 124:6 144:5,6,13 146:7 154:1,18 178:6 <b>Siebel's</b> 37:8 <b>similar</b> 164:14 <b>similarly</b> 37:10 163:23 <b>simply</b> 39:8 79:3 80:8 <b>single</b> 15:4 <b>SIR</b> 130:7 <b>sit</b> 53:15 146:9 <b>site</b> 47:23 58:17,20	110:22 <b>sites</b> 89:7 <b>situated</b> 64:3 <b>situation</b> 79:19 82:15 101:8 107:1 <b>situations</b> 67:6 69:15 <b>Six</b> 52:7 <b>Sixty</b> 169:16 <b>Sixty-four</b> 173:18 <b>Sixty-one</b> 170:23 <b>Sixty-six</b> 91:4,5 <b>size</b> 106:13 <b>Slay</b> 7:11 <b>slip-up</b> 87:12 <b>smaller</b> 19:2 118:19 <b>SNPs</b> 15:3 <b>software</b> 26:1 37:15 39:1 76:4 101:10,10 126:24 <b>sold</b> 55:24 111:23 167:15 <b>Solutions</b> 5:18 178:19 <b>somebody</b> 72:7 83:11 86:15 90:10 144:19,19 <b>somebody's</b> 114:23 <b>something's</b> 102:20 <b>Somewhat</b> 32:21 78:12 <b>sorry</b> 21:3 23:13 31:21 43:17 53:19 63:8 69:8 86:8,10 86:11 91:3 113:9 114:19 123:1 127:19 130:4 142:3 148:10,13 173:6,16 <b>sort</b> 28:7 <b>sorts</b> 78:20 <b>sought</b> 79:3,11 89:16 90:8,23 <b>sounds</b> 71:18	<b>source</b> 154:14 <b>South</b> 2:2,20 5:20 23:18 46:4 138:12 <b>southeast</b> 21:6 <b>southeastern</b> 20:2 <b>Southern</b> 138:18 166:3 <b>space</b> 35:14 <b>spare</b> 36:12 <b>spawn</b> 33:17 <b>speak</b> 27:1 48:25 50:8 68:20 147:11 148:15 <b>speaking</b> 70:24 80:18 <b>speaks</b> 59:19 <b>special</b> 47:13 <b>specialist</b> 13:20 16:3,6,18 17:7 97:24 <b>specialists</b> 15:10 20:6,23 22:1 148:3 149:15 <b>specific</b> 78:4 81:13 91:11 97:5 102:7 110:4 111:24 123:5 133:18 141:25 147:16 169:14 178:3 <b>specifically</b> 51:21 59:13 64:7 81:23 83:24 86:3,18 87:5 92:6 110:1 128:2 152:7 153:24 155:18 163:2 169:9 174:14 177:21 <b>specifics</b> 109:21 123:18 160:7 <b>specified</b> 30:19 70:6 146:24 <b>specifies</b> 145:19 <b>spectrum</b> 76:7 <b>speculation</b> 54:3 84:12
---	--	--	--	---

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 18

<b>spell</b> 49:7 65:20 99:12,13 105:6 <b>spelled</b> 144:9 <b>spelling</b> 133:23 <b>spent</b> 109:23 <b>Sperberg</b> 3:10 5:16 <b>sphere</b> 104:4 <b>spoke</b> 27:11 156:2 <b>spoken</b> 166:9 <b>spreadsheet</b> 111:20 111:22,25 114:4 115:2,12 117:17 117:19,23 118:2,3 120:15,17,18 121:13,14,22,23 122:3 <b>spreadsheets</b> 112:4 112:18 114:2 116:17,19,22 <b>SRI</b> 132:25 <b>ss</b> 180:2 <b>St</b> 165:1 <b>staff</b> 15:16 93:18 156:7 159:5 <b>stamp</b> 54:9 57:14 114:15 119:10 128:6 <b>stamped</b> 52:21 108:10 <b>stand</b> 126:20 <b>standard</b> 16:11 <b>Standards</b> 141:3 <b>start</b> 8:1,11 15:21 30:5 32:18 33:13 88:6 93:9 102:19 106:17 120:13,17 124:19 153:9 <b>started</b> 76:10 <b>starting</b> 55:16 115:18 117:2,16 119:15 122:6 133:20 177:22 <b>starts</b> 102:17 116:1 120:22 152:4 <b>state</b> 5:23 7:9 13:4	103:20 128:5,19 129:5,11,18 130:1 140:24 162:5,12 180:1,5 <b>stated</b> 179:9 <b>states</b> 1:1 5:11 10:1 14:11 19:10,14,22 30:16 46:5 65:25 68:13,19 69:8 89:1 167:8 179:13 <b>stay</b> 104:14 107:16 117:1 <b>stem</b> 78:15 <b>stenographically</b> 180:8 <b>steps</b> 27:6,10 49:25 <b>stick</b> 24:17,20 <b>stone</b> 78:9 <b>Stony</b> 58:5 59:16 60:1,17 61:16,19 62:4 63:2 <b>stop</b> 27:13,15 <b>stopped</b> 76:12 <b>stopping</b> 115:20 <b>storage</b> 107:16 <b>STR</b> 12:15,17,21 12:23 13:9 28:8 30:16 31:9 32:19 33:20,23 34:2 35:17 38:19,23 41:13,21,25 42:2 42:9 43:1,17,19 44:17,24 46:18 48:19 49:9,15 50:1 55:18,24 56:1 57:5 59:3 60:18 61:17,20 62:4,24 63:2,24 65:10,24 66:2,4 67:24 69:2 70:6 72:9 73:11,22 74:7 75:6,18 77:4 78:14 80:11 81:15 82:13 109:19 122:19 125:10	128:13 129:4,13 129:19 130:2,12 130:17 131:2,3,12 132:1,21,24 133:2 133:6,10,14 134:1 134:8,12,16,22,24 135:3,7,14 136:19 137:4,10,21 138:2 139:5 140:8,18 141:5,13,24 142:9 143:6 146:23 148:6 149:16,25 150:8 151:2,14,17 151:20,25 152:18 154:9 156:3 157:14 158:6 159:2,11 160:12 160:19 161:18 163:16 164:9 165:4 166:1 168:23 169:7,9 170:2,4,10 172:17 173:10 174:18,23 176:7,15 <b>straddles</b> 173:19 <b>straight</b> 9:8 <b>Street</b> 2:3,20 5:20 <b>STRs</b> 36:21 49:3 54:21 60:23 62:17 131:24 139:13 166:19 <b>structured</b> 37:8,10 <b>STS</b> 43:17 <b>students</b> 94:14 129:17 <b>studies</b> 34:9 133:15 <b>study</b> 33:19 34:2 118:24 <b>studying</b> 133:18 174:22 <b>stumped</b> 171:13 <b>subject</b> 146:12 <b>sued</b> 14:3 <b>Suite</b> 2:13,21 <b>summary</b> 37:1,11	37:14 107:20 <b>Sun</b> 3:4 6:1 28:17 <b>SUNY</b> 130:19,22 130:24 131:1 137:16 <b>Superior</b> 5:11 <b>supplied</b> 28:14,16 28:19 108:9 <b>supply</b> 67:16 69:16 105:14 112:1 <b>support</b> 9:3,10,11 15:15,18,20 19:14 20:19,20 22:1,6,7 22:11 23:15 26:1 30:15 40:2,4 44:24 46:18 47:7 47:15 48:12,19 49:1 54:5 60:16 62:18 63:17 76:6 82:1 89:1,24 90:15 91:10 96:7 96:14 97:12,13 98:3,10,11 101:18 123:17 135:13 143:14,17 145:4 147:4 149:2 151:9 151:24 153:20 167:21,24 168:17 <b>supporting</b> 109:19 <b>supports</b> 9:25 <b>sure</b> 14:19 26:7 34:12 35:15 42:2 42:15 44:18 49:24 53:20 67:17 69:25 73:7 84:8,25 87:10 89:10,10 93:20 96:22 124:1 125:21 126:8,22 <b>suspect</b> 118:23 <b>swear</b> 6:5 <b>switching</b> 35:9 <b>sworn</b> 6:9 <b>system</b> 17:13 46:1 76:3 130:24 <b>Systems</b> 165:17	166:1 <b>S-c-h-a-d-e</b> 175:15 <b>S-i-e-b-e-l</b> 18:12 <hr/> <b>T</b> <b>t</b> 4:7 179:19 <b>table</b> 116:7 <b>take</b> 6:24,25 16:8 24:3 47:8 52:8 65:3,4 87:23 101:19 104:12,24 106:7 114:17 117:10 135:18 144:6 147:15 148:19 172:24 174:5 176:20 <b>taken</b> 1:20 2:2 <b>talk</b> 8:18 26:16 39:12 72:24 75:13 112:6 118:7 142:23 143:10 167:24 168:1 172:9 <b>talked</b> 15:5 35:21 36:22 39:16 41:22 42:12 49:23 54:18 64:11,21 78:2 81:10 128:1 137:16 142:13,23 143:20 144:1 145:15 146:11,20 147:3 157:24 164:1 <b>talking</b> 27:16 43:24 52:3,18 64:7 69:17 97:2 115:9 153:11 <b>talks</b> 97:8 <b>tandem</b> 12:17 48:23 <b>Tape</b> 88:3 <b>tapes</b> 178:17 <b>tarmac</b> 103:8 <b>task</b> 83:13 <b>teach</b> 83:18,20
---	---	--	---	--



CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 19

<b>teaching</b> 94:12,13 129:16 134:15 139:12 170:3,18	90:4,11,11,15,18 91:10 96:7,14 98:3,9,10 101:18 124:22 145:4,20 146:2,6 147:4 149:2 151:24 153:20	126:9 180:8,13 <b>testing</b> 33:23 75:18 80:11,15 81:21 89:3,6 101:23 102:4,10,24 103:15 104:14 106:18 110:3,4,10 110:13 111:1,5,10 127:21,22 128:25 146:19,22 147:1 150:12,15 152:16 158:11,16	<b>thought</b> 32:10,11 67:18 79:4 114:13 165:23 <b>three</b> 15:9 19:18,22 20:22 21:5 22:9 23:9 34:25 54:11 63:16 93:16 110:17,19,20 149:19 <b>three-day</b> 55:15 <b>throughput</b> 75:14 <b>till</b> 8:13 <b>time</b> 5:14 6:17 8:5 13:20 35:14 38:11 42:13,22,24,25 46:25 52:13 59:2 63:21 82:8 87:25 88:5 109:23 124:15 133:18 135:15,21 158:17 158:22 177:4 178:20 <b>times</b> 18:5 38:12 101:1 <b>tissue</b> 87:20 <b>title</b> 9:1,1 14:7,10 19:4 56:13 79:7 <b>today</b> 5:16 6:3 7:16 8:18 27:7 29:1,19 38:8 53:15 61:17 110:17 112:23 145:12 177:12 178:17 <b>today's</b> 5:13 112:8 <b>told</b> 28:21 29:7 59:24 <b>Tom</b> 5:24 <b>tools</b> 15:2 <b>top</b> 97:23 113:20 116:6 118:15 120:23 122:10 128:8 168:5 <b>topic</b> 30:12,14 38:23 43:25 69:21 75:22 78:11 81:13	108:1 126:5 <b>topics</b> 26:17 28:25 29:4 30:5 44:3 50:9 78:5 87:16 89:17 <b>total</b> 178:17 <b>touched</b> 162:3 <b>tough</b> 6:17 <b>Traci</b> 93:17 94:11 <b>tracked</b> 48:1 <b>train</b> 56:24 57:3 83:15,25 85:12 86:24 <b>trained</b> 13:19 40:6 40:9,22 41:1 <b>training</b> 11:2,7,10 13:21,22,23 39:24 40:3 54:19,25 55:15 83:3 <b>trainings</b> 10:1,2,3 15:13 47:18 <b>transcript</b> 88:8 180:12,15 <b>Transgenomic</b> 138:3 <b>transplant</b> 40:11 40:25 61:2 63:25 70:16 71:8,12 72:10 73:22 74:8 75:7,19 77:4 164:23 <b>transplantation</b> 31:9 32:2,13,19 32:20 35:20 70:7 72:1 73:12 77:15 <b>transplants</b> 54:21 59:4 60:19,23 61:18 168:21 <b>tree</b> 48:6,8 <b>tried</b> 119:8 <b>trio</b> 133:16 134:1 <b>trios</b> 133:15,19 <b>trouble</b> 55:5 <b>troubleshoot</b> 82:18 97:12 100:25
<b>team</b> 9:24 21:23 23:2,19,20,21,22 24:2 38:1,3 45:3 47:17 48:12,19 49:10 51:11 52:1 54:6 58:4 60:16 61:14 62:11,12,13 62:15 63:15,16 64:17,18,19,24,24 70:4 74:16,23 75:7,15,17 83:3 83:18 84:9 90:16 95:14,18 96:7,10 96:14,15 97:10,14 97:25 98:2,7,11 98:18,21 99:7,9 100:11 101:18 106:9,10,10 109:19,23 110:13 111:11,25 145:9 145:25 147:4 152:12,25 153:3 153:20 157:7,17 158:18 159:15 160:16 167:18	<b>technically</b> 22:4 <b>Technologies</b> 1:12 3:3 5:7,10 7:15,19 14:15 45:4 132:17 141:1 <b>technology</b> 10:21 43:1 62:19,20 132:7 140:2 173:5 <b>tell</b> 27:19 32:11 35:5 57:11 73:3 84:2,14,15 85:10 85:11 103:3 113:24 115:1 116:21,24 117:22 118:23 121:12,14 124:2 133:25 <b>telling</b> 59:15 84:19 <b>Tempe</b> 129:18 <b>ten</b> 5:15 <b>term</b> 14:16 16:5 22:1,3 92:24 126:24,25 <b>terminology</b> 25:6 96:6 <b>terms</b> 9:16 43:22 52:3 102:2 120:1 <b>territories</b> 19:20 <b>territory</b> 19:7,11 119:16 120:7 121:18 148:9,14 167:6 <b>test</b> 13:17 35:16 103:19,24 106:20 <b>testified</b> 6:10 53:17 69:24 70:2 178:5 <b>testifying</b> 12:12 <b>testimony</b> 53:21 89:15 95:9 124:19	<b>testing's</b> 107:13 <b>tests</b> 12:15 31:11 31:12 35:10,13,15 89:4 101:25 <b>Texas</b> 23:14 122:16 138:24 139:1 <b>Thank</b> 114:16 123:3 125:3 177:12 178:14 <b>Thanks</b> 177:13 <b>thereof</b> 179:7 <b>thermal</b> 49:22 <b>they'd</b> 103:21 <b>thing</b> 15:8 34:6 48:11 81:6 108:3 119:14 177:9 <b>things</b> 17:12 31:6 32:9 47:10 61:1 81:18 91:17 <b>thing's</b> 107:14 <b>think</b> 31:2 32:9 35:17 53:17 64:3 76:11 102:12,23 108:3 112:22 120:15 136:11,14 152:3 153:9 167:13 168:5 173:19 176:11,22 177:9 <b>thinking</b> 82:22 <b>third</b> 128:8 136:15 <b>Thirteen</b> 11:21 <b>THOMAS</b> 2:11	<b>time</b> 5:14 6:17 8:5 13:20 35:14 38:11 42:13,22,24,25 46:25 52:13 59:2 63:21 82:8 87:25 88:5 109:23 124:15 133:18 135:15,21 158:17 158:22 177:4 178:20 <b>times</b> 18:5 38:12 101:1 <b>tissue</b> 87:20 <b>title</b> 9:1,1 14:7,10 19:4 56:13 79:7 <b>today</b> 5:16 6:3 7:16 8:18 27:7 29:1,19 38:8 53:15 61:17 110:17 112:23 145:12 177:12 178:17 <b>today's</b> 5:13 112:8 <b>told</b> 28:21 29:7 59:24 <b>Tom</b> 5:24 <b>tools</b> 15:2 <b>top</b> 97:23 113:20 116:6 118:15 120:23 122:10 128:8 168:5 <b>topic</b> 30:12,14 38:23 43:25 69:21 75:22 78:11 81:13	<b>topics</b> 26:17 28:25 29:4 30:5 44:3 50:9 78:5 87:16 89:17 <b>total</b> 178:17 <b>touched</b> 162:3 <b>tough</b> 6:17 <b>Traci</b> 93:17 94:11 <b>tracked</b> 48:1 <b>train</b> 56:24 57:3 83:15,25 85:12 86:24 <b>trained</b> 13:19 40:6 40:9,22 41:1 <b>training</b> 11:2,7,10 13:21,22,23 39:24 40:3 54:19,25 55:15 83:3 <b>trainings</b> 10:1,2,3 15:13 47:18 <b>transcript</b> 88:8 180:12,15 <b>Transgenomic</b> 138:3 <b>transplant</b> 40:11 40:25 61:2 63:25 70:16 71:8,12 72:10 73:22 74:8 75:7,19 77:4 164:23 <b>transplantation</b> 31:9 32:2,13,19 32:20 35:20 70:7 72:1 73:12 77:15 <b>transplants</b> 54:21 59:4 60:19,23 61:18 168:21 <b>tree</b> 48:6,8 <b>tried</b> 119:8 <b>trio</b> 133:16 134:1 <b>trios</b> 133:15,19 <b>trouble</b> 55:5 <b>troubleshoot</b> 82:18 97:12 100:25

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 20

103:17 <b>troubleshooting</b> 10:5,6,11 15:23 47:22 67:6 69:15 82:15 89:4 97:13 101:7,8,14,25 105:18 107:23 109:23 167:19,25 <b>troubleshootings</b> 15:13 <b>true</b> 179:8,11,14 180:12 <b>truly</b> 133:20 <b>trust</b> 162:17 <b>try</b> 75:13 102:13 142:21 <b>trying</b> 37:4 45:20 53:24 96:20 101:9 110:3,9 113:15 120:4 142:18 <b>Tuesday</b> 1:21 2:3 5:1 136:1 <b>turn</b> 72:16 73:2 88:12 136:15 <b>turning</b> 97:21 <b>twelve</b> 7:24 88:5 <b>twice</b> 90:14 <b>two</b> 8:20 15:10,15 22:11,15 23:15 51:3 125:22 178:17 <b>type</b> 33:23 34:6 58:11,25 82:4 116:16,18 117:19 121:23 122:2 134:1 <b>types</b> 37:18 <b>typically</b> 23:10 <b>typo</b> 160:1	10:19 11:15 94:14 <b>underneath</b> 23:23 <b>understand</b> 7:3,18 10:17 14:17 17:21 18:16 25:17 26:18 26:22,25 28:10 29:4 30:23 45:20 49:13 50:3 53:24 54:17 56:4 59:25 63:10 73:17 76:19 95:9 96:20 102:1 110:5,9 <b>understanding</b> 7:6 18:24 26:16 28:18 28:22 29:9 32:6,6 33:12 55:6,9 58:9 60:3,10,20 79:9 85:4 111:23 112:24 113:14 146:8 <b>understood</b> 28:24 29:17 53:21 93:20 124:12 168:2 175:8 <b>UnE</b> 116:9 <b>unit</b> 48:14 <b>United</b> 1:1 5:11 10:1 14:11 19:10 19:14,22 30:16 46:5 65:24 68:19 69:8 167:8 179:13 <b>universities</b> 130:24 <b>University</b> 10:21 10:24 11:4 93:8 93:14 94:9,17,21 95:4,14,20 96:13 96:25 97:5 122:13 122:16 128:5,20 129:5,7,8,11,18 130:1,4 132:9,11 134:9,21,23 135:1 136:16 137:6 138:10,12,16,18 138:24 139:1,18 139:20,22 140:1	140:14,24 141:23 142:10 143:7 148:5 149:4,10,15 149:18,24 150:2,7 150:13,15,18 152:3,4,7,13,18 152:22 153:13,13 153:14,22 154:5,9 154:13,14 155:1,4 155:8,12,15 156:3 156:9 160:1,2,13 160:20,24 161:1,5 162:2,4,9,18,21 162:22,23 163:10 163:12,16,19 164:17 166:3 168:3 169:21 170:5 <b>University's</b> 165:4 <b>unknown</b> 35:11 78:20 81:5 <b>use</b> 7:16,17 8:20 16:5 24:19,19 28:8 31:6 34:2 36:5 40:10,24 42:11 44:19 56:16 59:2 62:24 63:24 65:22 70:5,14,16 71:11,22 72:9,13 73:5,9,11,22 74:7 76:21,22,23,24 77:3 80:3 82:4,12 82:25 83:4,6,14 83:20 84:5,16 85:5,6,7 86:24 92:24 95:10,12 129:4,13,19 130:11,17 131:2,4 132:1,21,24 133:2 133:6,10,14 134:8 134:12,16,22,24 135:3,7 136:19 137:4,10,21 139:5 139:13 141:24 142:9,12,12 143:2	143:6 146:23 149:25 150:8 151:14,15,17,20 151:25 152:18 154:9 156:3 157:14 159:2,11 160:12,19 161:18 163:16 165:4 166:1 168:23 169:7,9 170:2,4 170:11 176:15 <b>useful</b> 115:17 <b>user</b> 39:1 101:10 <b>uses</b> 41:12 49:15,17 49:19 85:8 96:18 142:12 148:6 151:18 <b>usually</b> 6:25 7:2 <b>Utah</b> 2:22 <b>U.S</b> 68:20 118:3,12 118:18 120:5,10 175:23	<b>verbiage</b> 44:18 89:1 101:17,21 <b>verification</b> 79:22 <b>verify</b> 119:1 <b>version</b> 112:17 <b>versus</b> 5:9 <b>vertical</b> 120:14 <b>video</b> 5:14,16,19 <b>Videographer</b> 3:10 5:5 6:3 52:12,15 87:24 88:2 135:20 136:5 177:3,6 178:15 <b>Videotape</b> 5:6 <b>videotapes</b> 178:18 <b>view</b> 24:25 56:2 <b>Virginia</b> 11:4 93:8 93:14 94:8,17,20 95:4,13,19 96:12 96:24 97:4 101:16 134:9 155:12 <b>visibility</b> 18:25 <b>visit</b> 42:10 82:7 148:3 149:15 153:19 <b>visited</b> 63:5,7 145:4 <b>visits</b> 82:12 152:22 153:4 156:6 157:16 159:14 160:22 164:11 165:6 166:12 169:11 <b>volume</b> 5:6 46:23 88:3 <b>voluminous</b> 115:7
<hr/> <b>U</b> <hr/> <b>U</b> 165:8 <b>Uh-huh</b> 74:19 <b>unable</b> 38:22 99:11 <b>undergraduate</b>			<hr/> <b>V</b> <hr/> <b>v</b> 1:11 <b>Vague</b> 17:17 18:15 30:22 <b>validate</b> 73:21 133:15 <b>validated</b> 56:6 76:17 78:23 83:15 83:21 84:6 85:24 86:21 <b>Van</b> 3:5 <b>varieties</b> 68:6 <b>variety</b> 48:24 72:25 81:18 <b>various</b> 101:12 <b>VCU</b> 93:17 97:6 <b>Vegas</b> 111:7 <b>vendor</b> 13:12,14 <b>Ventura</b> 5:18 178:19 <b>Veracity</b> 141:19 <b>verbatim</b> 9:22	<hr/> <b>W</b> <hr/> <b>W</b> 179:19 <b>waiting</b> 166:7 <b>walk</b> 83:23 87:4 104:11 <b>want</b> 6:24 31:3,5,21 34:11 35:7,11,15 36:14 75:21 79:16 84:8 87:10 94:14

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 21

110:1 122:6 133:19 <b>wanted</b> 50:8 57:14 83:12 114:21 <b>wants</b> 83:14 85:5 <b>warehouse</b> 68:12 68:18 69:9 <b>warehoused</b> 69:8 <b>Warrington</b> 65:19 68:7 106:21 <b>Wash</b> 165:8 <b>Washington</b> 164:17 165:4 <b>wasn't</b> 43:10,11 87:12 109:8 146:2 <b>way</b> 3:5 17:25 25:25 36:11 38:2 38:5 48:9 50:12 56:11 78:10 85:17 88:13 92:17 94:20 96:5 115:5,9 116:6 121:2 153:17 158:15 165:23 <b>web</b> 78:24 <b>website</b> 8:17 76:16 <b>web-based</b> 24:22 24:23 127:14 <b>well-known</b> 71:24 141:17 <b>well-versed</b> 84:3 <b>went</b> 67:18 103:9 119:19 177:24 <b>west</b> 21:14,15 134:9 <b>western</b> 1:2 5:12 20:3 <b>we'll</b> 12:21 16:6 32:22,22 36:3 44:1 65:22 88:7 89:11 120:24 177:1 <b>we're</b> 52:15 63:16 76:10,18 78:8 84:15 85:11,23	88:2 96:24 105:16 108:1,3 110:8,12 117:16 119:15 120:12,24 124:17 135:15 136:5 153:10,14 <b>we've</b> 8:13 22:9 30:20 34:19,24 35:19 41:22 42:12 43:25 63:13 69:17 70:2 88:11 97:2 113:18 116:6 120:6 124:7 146:20 153:11 165:16 166:14 <b>Wheaton</b> 175:19 175:20,22 <b>whoa</b> 46:17 103:1 <b>why's</b> 117:25 <b>wide</b> 72:25 <b>Wisconsin</b> 1:2 5:13 152:4,8,13,19,22 153:13 <b>wish</b> 23:25 <b>WISSENSCHAF...</b> 1:8 <b>witness</b> 4:3 5:8 6:6 17:22 18:18 20:9 25:20,23 28:12,24 29:10 30:25 32:12 40:14,17 41:1 42:17 43:8 44:11 46:24 50:22 54:5 60:10,12 64:6 65:22 70:1 71:21 73:18 74:20 75:25 77:11,14 81:5 84:14,25 86:7,9 86:12 87:19 92:6 113:9 122:2 126:13 128:15,19 175:3 177:13 <b>won</b> 133:23 <b>Woodland</b> 5:18 178:19	<b>word</b> 19:5 31:6 34:20 36:5 89:20 91:18 <b>words</b> 8:21 18:20 51:3 120:15 121:3 160:10 <b>work</b> 10:13,22,23 12:1 13:25 15:12 42:9 50:1 63:21 64:6 76:2 83:21 84:6 86:24 88:9 118:20 134:1 143:25 <b>worked</b> 11:14,18 35:6 114:4 <b>working</b> 13:16 103:14 118:2 <b>works</b> 60:5 110:4 <b>world</b> 55:23 67:15 <b>worn</b> 180:11 <b>worried</b> 171:24 172:3 <b>wouldn't</b> 14:25 73:2,3,8 125:25 146:3 <b>wrapped</b> 107:14 <b>writers</b> 101:11 <b>written</b> 9:17,19 <b>wrong</b> 20:23 22:1 103:9 <b>wrongfully</b> 129:1 <b>W-h-e-a-t-o-n</b> 175:22	<b>yeah</b> 31:2 60:12 115:25 138:15 <b>year</b> 57:15 <b>years</b> 7:21 8:7,14 11:20,21 13:1 15:11 47:3 107:6 119:16 <b>Yfiler</b> 66:14,19	5:13 <b>10:00</b> 2:4 5:2 <b>10:50</b> 52:13 <b>100</b> 2:12 <b>108</b> 4:12 <b>11:01</b> 52:16 <b>11:46</b> 87:25 <b>113</b> 4:14,16 <b>12</b> 7:23 8:7 92:25 93:3 <b>13</b> 11:20 <b>14</b> 65:5 <b>15</b> 177:22 178:11 <b>16</b> 142:3,11,22 143:1,3,8 145:15 146:12 153:9,11 <b>17</b> 147:15 148:20 177:23 <b>177</b> 4:5 <b>18</b> 149:4 <b>180</b> 1:7 <b>1800</b> 2:21 <b>19</b> 145:17 150:4 152:5 155:3 <b>1990</b> 11:9 <b>1999</b> 42:23
			<b>Z</b>	
			<b>ZUR</b> 1:7	
			<b>0</b>	
			<b>0002030</b> 4:11 <b>0004557</b> 4:13 108:10 <b>0004563</b> 4:17 <b>0004702</b> 4:15 <b>002030</b> 52:21 <b>02184</b> 2:14 <b>09</b> 114:5	
			<b>1</b>	
			<b>1</b> 1:7 4:9 5:6 26:9 26:13 29:19 30:20 30:21 34:24,25 36:5 38:20,21 41:23 42:12 43:25 44:4 54:10 64:10 65:4 66:7 67:2 69:18,22 78:2 83:7 88:12 93:12 97:1,4 100:9 122:24 123:2 124:14 127:19 142:3,14,24 145:17 146:16 155:3 156:15 158:11 161:6,22 170:24 171:2 173:20,25 176:13 177:20 178:11 <b>1:02</b> 135:21 <b>10</b> 46:13,25 <b>10-CV-281</b> 1:6	
			<b>X</b>	
			<b>x</b> 4:1,7 17:7 66:15 66:16 103:21 180:15 <b>Xfiler</b> 66:10,14 <b>XL</b> 55:11	
			<b>Y</b>	
			<b>Yale</b> 147:15,16,22 148:3,5,9,10,16 148:18 153:12	
			<b>2</b>	
			2 4:10 30:1,2 52:20 52:23 55:1 88:4 <b>2:13</b> 136:2,6 <b>2:56</b> 177:4 <b>20</b> 93:12 153:15,22 156:11 159:20 161:2,21 <b>2005</b> 42:23 <b>2006</b> 38:9,12,16 42:16 43:13 59:11 107:9 142:11 143:9 <b>2009</b> 108:22 <b>201</b> 2:20 <b>2010</b> 53:8 54:1 58:4 58:24 <b>2011</b> 1:21 2:4 5:1	

CONFIDENTIAL - ATTORNEY'S EYES ONLY  
MICHELLE SHEPHERD, 30(B)(6) - 7/26/2011

Page 22

5:14 136:1 179:16 <b>2030</b> 54:9 57:14 <b>2031</b> 52:21 <b>20750</b> 5:18 178:19 <b>21</b> 96:25 97:4,8,8 97:15,22 155:11 163:21 <b>22</b> 155:14 168:3,5,6 169:16 170:23 173:19 <b>23</b> 146:16 156:17 173:19 <b>24</b> 156:15 158:10 158:24 <b>25</b> 159:25 161:5 163:24 <b>26</b> 1:21 2:4 4:9 5:1 5:14 136:1 161:9 168:8 169:18 171:2 <b>27</b> 173:22 <b>28</b> 4:9 162:21,22 <b>29</b> 123:1,1,1 124:14	<b>33</b> 168:12 169:14 <b>34</b> 169:21 170:22 <b>35</b> 171:4,15 <b>3500</b> 25:9 26:6 48:7 55:11 72:20 <b>36</b> 171:21 <b>37</b> 173:4,17 <b>38</b> 173:25 <b>39</b> 153:10,11,18 174:7 177:22 178:11	<b>4717</b> 120:13,16 <b>4726</b> 120:20 121:1 <b>4736</b> 120:23,25 <b>474-6210</b> 3:7 <b>48</b> 156:10,12 <b>49</b> 157:19,20,21 <b>4980</b> 1:25 2:5 180:23	<b>68</b> 89:12 <b>69</b> 150:3,10 <b>695</b> 4:17	<b>96</b> 13:3 <b>99</b> 13:4,5,10
<b>3</b>	<b>4</b>	<b>5</b>	<b>7</b>	
<b>3</b> 4:12 30:5,20 34:24 66:6,6 67:1 69:18,19,22 70:6 70:15 71:7 78:6 108:3,5,9 111:17 112:3 113:1 114:2 116:17,23 117:20 118:5 119:4 121:13 128:1 <b>3:04</b> 177:7 <b>3:06</b> 178:21 <b>30</b> 77:10 88:4 142:1 164:3 176:14 177:20 178:16 <b>30(b)(6)</b> 1:19 2:1 5:8 <b>31</b> 4:11 164:17 <b>3130</b> 25:9 26:4 39:17 72:20 <b>32</b> 166:3	<b>4</b> 4:14 112:24 113:2 113:5 114:1 115:14 116:22 118:13,14,17 119:2,7,10 120:24 121:25 122:6 128:3 136:11 162:3 177:22 <b>403</b> 2:13 <b>42</b> 88:12,13,21,22 88:24 89:15 90:23 91:3,7,19 92:1,4 145:16 146:13 <b>42's</b> 145:17 <b>43</b> 92:9 148:19,20 <b>44</b> 150:3,3 <b>4563</b> 115:19 116:4 <b>4586</b> 115:19,20 <b>4587</b> 116:1 117:2 117:11 <b>46</b> 155:2,5 <b>4610</b> 117:4,5,11 <b>4612</b> 114:14,19 115:4 <b>466</b> 114:18 <b>47</b> 11:24 93:10 97:3 97:19 <b>4702</b> 122:6,9 128:6 <b>4703</b> 131:15 136:14 <b>4704</b> 136:15 <b>4708</b> 119:10,22 <b>4716</b> 119:20,24	<b>5</b> 4:16 112:24 113:2 113:5,19 114:1,3 114:14 115:14,18 115:21 116:22 118:15 119:2 <b>50</b> 159:19,21 <b>51</b> 161:2,3 <b>52</b> 4:10 161:20 <b>53</b> 162:18 <b>532-1234</b> 2:23 <b>54</b> 163:20 <b>55</b> 163:20 <b>558</b> 108:10 <b>559</b> 4:13 108:10 <b>56</b> 124:18,19 125:4 126:6,6 127:17 <b>57</b> 164:14 <b>5781</b> 3:5 <b>58</b> 165:9,10,11 <b>59</b> 168:4	<b>68</b> 89:12 <b>69</b> 150:3,10 <b>695</b> 4:17	<b>96</b> 13:3 <b>99</b> 13:4,5,10
<b>3</b>	<b>4</b>	<b>5</b>	<b>7</b>	
<b>3</b> 4:12 30:5,20 34:24 66:6,6 67:1 69:18,19,22 70:6 70:15 71:7 78:6 108:3,5,9 111:17 112:3 113:1 114:2 116:17,23 117:20 118:5 119:4 121:13 128:1 <b>3:04</b> 177:7 <b>3:06</b> 178:21 <b>30</b> 77:10 88:4 142:1 164:3 176:14 177:20 178:16 <b>30(b)(6)</b> 1:19 2:1 5:8 <b>31</b> 4:11 164:17 <b>3130</b> 25:9 26:4 39:17 72:20 <b>32</b> 166:3	<b>4</b> 4:14 112:24 113:2 113:5 114:1 115:14 116:22 118:13,14,17 119:2,7,10 120:24 121:25 122:6 128:3 136:11 162:3 177:22 <b>403</b> 2:13 <b>42</b> 88:12,13,21,22 88:24 89:15 90:23 91:3,7,19 92:1,4 145:16 146:13 <b>42's</b> 145:17 <b>43</b> 92:9 148:19,20 <b>44</b> 150:3,3 <b>4563</b> 115:19 116:4 <b>4586</b> 115:19,20 <b>4587</b> 116:1 117:2 117:11 <b>46</b> 155:2,5 <b>4610</b> 117:4,5,11 <b>4612</b> 114:14,19 115:4 <b>466</b> 114:18 <b>47</b> 11:24 93:10 97:3 97:19 <b>4702</b> 122:6,9 128:6 <b>4703</b> 131:15 136:14 <b>4704</b> 136:15 <b>4708</b> 119:10,22 <b>4716</b> 119:20,24	<b>5</b> 4:16 112:24 113:2 113:5,19 114:1,3 114:14 115:14,18 115:21 116:22 118:15 119:2 <b>50</b> 159:19,21 <b>51</b> 161:2,3 <b>52</b> 4:10 161:20 <b>53</b> 162:18 <b>532-1234</b> 2:23 <b>54</b> 163:20 <b>55</b> 163:20 <b>558</b> 108:10 <b>559</b> 4:13 108:10 <b>56</b> 124:18,19 125:4 126:6,6 127:17 <b>57</b> 164:14 <b>5781</b> 3:5 <b>58</b> 165:9,10,11 <b>59</b> 168:4	<b>68</b> 89:12 <b>69</b> 150:3,10 <b>695</b> 4:17	<b>96</b> 13:3 <b>99</b> 13:4,5,10
<b>3</b>	<b>4</b>	<b>5</b>	<b>7</b>	
<b>3</b> 4:12 30:5,20 34:24 66:6,6 67:1 69:18,19,22 70:6 70:15 71:7 78:6 108:3,5,9 111:17 112:3 113:1 114:2 116:17,23 117:20 118:5 119:4 121:13 128:1 <b>3:04</b> 177:7 <b>3:06</b> 178:21 <b>30</b> 77:10 88:4 142:1 164:3 176:14 177:20 178:16 <b>30(b)(6)</b> 1:19 2:1 5:8 <b>31</b> 4:11 164:17 <b>3130</b> 25:9 26:4 39:17 72:20 <b>32</b> 166:3	<b>4</b> 4:14 112:24 113:2 113:5 114:1 115:14 116:22 118:13,14,17 119:2,7,10 120:24 121:25 122:6 128:3 136:11 162:3 177:22 <b>403</b> 2:13 <b>42</b> 88:12,13,21,22 88:24 89:15 90:23 91:3,7,19 92:1,4 145:16 146:13 <b>42's</b> 145:17 <b>43</b> 92:9 148:19,20 <b>44</b> 150:3,3 <b>4563</b> 115:19 116:4 <b>4586</b> 115:19,20 <b>4587</b> 116:1 117:2 117:11 <b>46</b> 155:2,5 <b>4610</b> 117:4,5,11 <b>4612</b> 114:14,19 115:4 <b>466</b> 114:18 <b>47</b> 11:24 93:10 97:3 97:19 <b>4702</b> 122:6,9 128:6 <b>4703</b> 131:15 136:14 <b>4704</b> 136:15 <b>4708</b> 119:10,22 <b>4716</b> 119:20,24	<b>5</b> 4:16 112:24 113:2 113:5,19 114:1,3 114:14 115:14,18 115:21 116:22 118:15 119:2 <b>50</b> 159:19,21 <b>51</b> 161:2,3 <b>52</b> 4:10 161:20 <b>53</b> 162:18 <b>532-1234</b> 2:23 <b>54</b> 163:20 <b>55</b> 163:20 <b>558</b> 108:10 <b>559</b> 4:13 108:10 <b>56</b> 124:18,19 125:4 126:6,6 127:17 <b>57</b> 164:14 <b>5781</b> 3:5 <b>58</b> 165:9,10,11 <b>59</b> 168:4	<b>68</b> 89:12 <b>69</b> 150:3,10 <b>695</b> 4:17	<b>96</b> 13:3 <b>99</b> 13:4,5,10
<b>3</b>	<b>4</b>	<b>5</b>	<b>7</b>	
<b>3</b> 4:12 30:5,20 34:24 66:6,6 67:1 69:18,19,22 70:6 70:15 71:7 78:6 108:3,5,9 111:17 112:3 113:1 114:2 116:17,23 117:20 118:5 119:4 121:13 128:1 <b>3:04</b> 177:7 <b>3:06</b> 178:21 <b>30</b> 77:10 88:4 142:1 164:3 176:14 177:20 178:16 <b>30(b)(6)</b> 1:19 2:1 5:8 <b>31</b> 4:11 164:17 <b>3130</b> 25:9 26:4 39:17 72:20 <b>32</b> 166:3	<b>4</b> 4:14 112:24 113:2 113:5 114:1 115:14 116:22 118:13,14,17 119:2,7,10 120:24 121:25 122:6 128:3 136:11 162:3 177:22 <b>403</b> 2:13 <b>42</b> 88:12,13,21,22 88:24 89:15 90:23 91:3,7,19 92:1,4 145:16 146:13 <b>42's</b> 145:17 <b>43</b> 92:9 148:19,20 <b>44</b> 150:3,3 <b>4563</b> 115:19 116:4 <b>4586</b> 115:19,20 <b>4587</b> 116:1 117:2 117:11 <b>46</b> 155:2,5 <b>4610</b> 117:4,5,11 <b>4612</b> 114:14,19 115:4 <b>466</b> 114:18 <b>47</b> 11:24 93:10 97:3 97:19 <b>4702</b> 122:6,9 128:6 <b>4703</b> 131:15 136:14 <b>4704</b> 136:15 <b>4708</b> 119:10,22 <b>4716</b> 119:20,24	<b>5</b> 4:16 112:24 113:2 113:5,19 114:1,3 114:14 115:14,18 115:21 116:22 118:15 119:2 <b>50</b> 159:19,21 <b>51</b> 161:2,3 <b>52</b> 4:10 161:20 <b>53</b> 162:18 <b>532-1234</b> 2:23 <b>54</b> 163:20 <b>55</b> 163:20 <b>558</b> 108:10 <b>559</b> 4:13 108:10 <b>56</b> 124:18,19 125:4 126:6,6 127:17 <b>57</b> 164:14 <b>5781</b> 3:5 <b>58</b> 165:9,10,11 <b>59</b> 168:4	<b>68</b> 89:12 <b>69</b> 150:3,10 <b>695</b> 4:17	<b>96</b> 13:3 <b>99</b> 13:4,5,10
<b>3</b>	<b>4</b>	<b>5</b>	<b>7</b>	
<b>3</b> 4:12 30:5,20 34:24 66:6,6 67:1 69:18,19,22 70:6 70:15 71:7 78:6 108:3,5,9 111:17 112:3 113:1 114:2 116:17,23 117:20 118:5 119:4 121:13 128:1 <b>3:04</b> 177:7 <b>3:06</b> 178:21 <b>30</b> 77:10 88:4 142:1 164:3 176:14 177:20 178:16 <b>30(b)(6)</b> 1:19 2:1 5:8 <b>31</b> 4:11 164:17 <b>3130</b> 25:9 26:4 39:17 72:20 <b>32</b> 166:3	<b>4</b> 4:14 112:24 113:2 113:5 114:1 115:14 116:22 118:13,14,17 119:2,7,10 120:24 121:25 122:6 128:3 136:11 162:3 177:22 <b>403</b> 2:13 <b>42</b> 88:12,13,21,22 88:24 89:15 90:23 91:3,7,19 92:1,4 145:16 146:13 <b>42's</b> 145:17 <b>43</b> 92:9 148:19,20 <b>44</b> 150:3,3 <b>4563</b> 115:19 116:4 <b>4586</b> 115:19,20 <b>4587</b> 116:1 117:2 117:11 <b>46</b> 155:2,5 <b>4610</b> 117:4,5,11 <b>4612</b> 114:14,19 115:4 <b>466</b> 114:18 <b>47</b> 11:24 93:10 97:3 97:19 <b>4702</b> 122:6,9 128:6 <b>4703</b> 131:15 136:14 <b>4704</b> 136:15 <b>4708</b> 119:10,22 <b>4716</b> 119:20,24	<b>5</b> 4:16 112:24 113:2 113:5,19 114:1,3 114:14 115:14,18 115:21 116:22 118:15 119:2 <b>50</b> 159:19,21 <b>51</b> 161:2,3 <b>52</b> 4:10 161:20 <b>53</b> 162:18 <b>532-1234</b> 2:23 <b>54</b> 163:20 <b>55</b> 163:20 <b>558</b> 108:10 <b>559</b> 4:13 108:10 <b>56</b> 124:18,19 125:4 126:6,6 127:17 <b>57</b> 164:14 <b>5781</b> 3:5 <b>58</b> 165:9,10,11 <b>59</b> 168:4	<b>68</b> 89:12 <b>69</b> 150:3,10 <b>695</b> 4:17	<b>96</b> 13:3 <b>99</b> 13:4,5,10
<b>3</b>	<b>4</b>	<b>5</b>	<b>7</b>	
<b>3</b> 4:12 30:5,20 34:24 66:6,6 67:1 69:18,19,22 70:6 70:15 71:7 78:6 108:3,5,9 111:17 112:3 113:1 114:2 116:17,23 117:20 118:5 119:4 121:13 128:1 <b>3:04</b> 177:7 <b>3:06</b> 178:21 <b>30</b> 77:10 88:4 142:1 164:3 176:14 177:20 178:16 <b>30(b)(6)</b> 1:19 2:1 5:8 <b>31</b> 4:11 164:17 <b>3130</b> 25:9 26:4 39:17 72:20 <b>32</b> 166:3	<b>4</b> 4:14 112:24 113:2 113:5 114:1 115:14 116:22 118:13,14,17 119:2,7,10 120:24 121:25 122:6 128:3 136:11 162:3 177:22 <b>403</b> 2:13 <b>42</b> 88:12,13,21,22 88:24 89:15 90:23 91:3,7,19 92:1,4 145:16 146:13 <b>42's</b> 145:17 <b>43</b> 92:9 148:19,20 <b>44</b> 150:3,3 <b>4563</b> 115:19 116:4 <b>4586</b> 115:19,20 <b>4587</b> 116:1 117:2 117:11 <b>46</b> 155:2,5 <b>4610</b> 117:4,5,11 <b>4612</b> 114:14,19 115:4 <b>466</b> 114:18 <b>47</b> 11:24 93:10 97:3 97:19 <b>4702</b> 122:6,9 128:6 <b>4703</b> 131:15 136:14 <b>4704</b> 136:15 <b>4708</b> 119:10,22 <b>4716</b> 119:20,24	<b>5</b> 4:16 112:24 113:2 113:5,19 114:1,3 114:14 115:14,18 115:21 116:22 118:15 119:2 <b>50</b> 159:19,21 <b>51</b> 161:2,3 <b>52</b> 4:10 161:20 <b>53</b> 162:18 <b>532-1234</b> 2:23 <b>54</b> 163:20 <b>55</b> 163:20 <b>558</b> 108:10 <b>559</b> 4:13 108:10 <b>56</b> 124:18,19 125:4 126:6,6 127:17 <b>57</b> 164:14 <b>5781</b> 3:5 <b>58</b> 165:9,10,11 <b>59</b> 168:4	<b>68</b> 89:12 <b>69</b> 150:3,10 <b>695</b> 4:17	<b>96</b> 13:3 <b>99</b> 13:4,5,10
<b>3</b>	<b>4</b>	<b>5</b>	<b>7</b>	
<b>3</b> 4:12 30:5,20 34:24 66:6,6 67:1 69:18,19,22 70:6 70:15 71:7 78:6 108:3,5,9 111:17 112:3 113:1 114:2 116:17,23 117:20 118:5 119:4 121:13 128:1 <b>3:04</b> 177:7 <b>3:06</b> 178:21 <b>30</b> 77:10 88:4 142:1 164:3 176:14 177:20 178:16 <b>30(b)(6)</b> 1:19 2:1 5:8 <b>31</b> 4:11 164:17 <b>3130</b> 25:9 26:4 39:17 72:20 <b>32</b> 166:3	<b>4</b> 4:14 112:24 113:2 113:5 114:1 115:14 116:22 118:13,14,17 119:2,7,10 120:24 121:25 122:6 128:3 136:11 162:3 177:22 <b>403</b> 2:13 <b>42</b> 88:12,13,21,22 88:24 89:15 90:23 91:3,7,19 92:1,4 145:16 146:13 <b>42's</b> 145:17 <b>43</b> 92:9 148:19,20 <b>44</b> 150:3,3 <b>4563</b> 115:19 116:4 <b>4586</b> 115:19,20 <b>4587</b> 116:1 117:2 117:11 <b>46</b> 155:2,5 <b>4610</b> 117:4,5,11 <b>4612</b> 114:14,19 115:4 <b>466</b> 114:18 <b>47</b> 11:24 93:10 97:3 97:19 <b>4702</b> 122:6,9 128:6 <b>4703</b> 131:15 136:14 <b>4704</b> 136:15 <b>4708</b> 119:10,22 <b>4716</b> 119:20,24	<b>5</b> 4:16 112:24 113:2 113:5,19 114:1,3 114:14 115:14,18 115:21 116:22 118:15 119:2 <b>50</b> 159:19,21 <b>51</b> 161:2,3 <b>52</b> 4:10 161:20 <b>53</b> 162:18 <b>532-1234</b> 2:23 <b>54</b> 163:20 <b>55</b> 163:20 <b>558</b> 108:10 <b>559</b> 4:13 108:10 <b>56</b> 124:18,19 125:4 126:6,6 127:17 <b>57</b> 164:14 <b>5781</b> 3:5 <b>58</b> 165:9,10,11 <b>59</b> 168:4	<b>68</b> 89:12 <b>69</b> 150:3,10 <b>695</b> 4:17	<b>96</b> 13:3 <b>99</b> 13:4,5,10
<b>3</b>	<b>4</b>	<b>5</b>	<b>7</b>	
<b>3</b> 4:12 30:5,20 34:24 66:6,6 67:1 69:18,19,22 70:6 70:15 71:7 78:6 108:3,5,9 111:17 112:3 113:1 114:2 116:17,23 117:20 118:5 119:4 121:13 128:1 <b>3:04</b> 177:7 <b>3:06</b> 178:21 <b>30</b> 77:10 88:4 142:1 164:3 176:14 177:20 178:16 <b>30(b)(6)</b> 1:19 2:1 5:8 <b>31</b> 4:11 164:17 <b>3130</b> 25:9 26:4 39:17 72:20 <b>32</b> 166:3	<b>4</b> 4:14 112:24 113:2 113:5 114:1 115:14 116:22 118:13,14,17 119:2,7,10 120:24 121:25 122:6 128:3 136:11 162:3 177:22 <b>403</b> 2:13 <b>42</b> 88:12,13,21,22 88:24 89:15 90:23 91:3,7,19 92:1,4 145:16 146:13 <b>42's</b> 145:17 <b>43</b> 92:9 148:19,20 <b>44</b> 150:3,3 <b>4563</b> 115:19 116:4 <b>4586</b> 115:19,20 <b>4587</b> 116:1 117:2 117:11 <b>46</b> 155:2,5 <b>4610</b> 117:4,5,11 <b>4612</b> 114:14,19 115:4 <b>466</b> 114:18 <b>47</b> 11:24 93:10 97:3 97:19 <b>4702</b> 122:6,9 128:6 <b>4703</b> 131:15 136:14 <b>4704</b> 136:15 <b>4708</b> 119:10,22 <b>4716</b> 119:20,24	<b>5</b> 4:16 112:24 113:2 113:5,19 114:1,3 114:14 115:14,18 115:21 116:22 118:15 119:2 <b>50</b> 159:19,21 <b>51</b> 161:2,3 <b>52</b> 4:10 161:20 <b>53</b> 162:18 <b>532-1234</b> 2:23 <b>54</b> 163:20 <b>55</b> 163:20 <b>558</b> 108:10 <b>559</b> 4:13 108:10 <b>56&lt;/</b>		